

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Education Committee February 13, 2024

**MURMAN:** Welcome to the Education Committee. I'm Senator Dave Murman from Glenvil, representing the 38th Legislative District, and I serve as Chair of the committee. The committee will take up the bills in the order posted. This public hearing today is your opportunity to be part of the legislative process and to express your position on the proposed legislation before us. If you're planning to testify today, please fill out one of the green testifier sheets that are on the table at the back of the room. Be sure to print clearly and fill it out completely. When it is your turn to come forward to testify, give the testifier sheet to the page or to the committee clerk. If you would like to have your position known but not testify, at the front desk there is a yellow sheet next to the green sheets where you can state your name and position for the permanent record. When you come in-- when you come up to testify, please speak clearly into the microphone. Tell us your name and spell your first and last name to ensure we get an accurate record. We will begin each bill hearing today with the introducer's opening statement, followed by proponents of the bill, then opponents, and finally by anyone speaking in the neutral capacity. We will finish with a closing statement by the introducer if they wish to give one. We will be using a 3-minute light system for all testifiers. When you begin your testimony, the light on the table will be green. When the yellow light comes on, you have 1 minute remaining and the red light indicates you need to wrap up your final thought and stop and stop. Questions from the committee may follow. Also, committee members may come and go during the hearing. This has nothing to do with the importance of the bills being heard. It is just part of the process as senators may have bills to introduce in other committees. A few final items to facilitate today's hearing. If you have handouts or copies of your testimony, please bring up at least 11 copies and give them to the page. Please silence or turn off your cell phones. Verbal outburst or applause are not permitted in the hearing room. Such behavior may be cause for you to be asked to leave the hearing. Finally, committee procedures for all committees state that written position comments on a bill to be included in the record must be submitted by 8 a.m. the day of the hearing. The only acceptable method of submission is via the Legislature's website at [nebraskalegislature.gov](http://nebraskalegislature.gov). You may submit a written letter for the record or testify in person at the hearing, but not both. Written position letters will be included in the official hearing record, but only those testifying in person before the committee will be included on the committee statement. Please note that due to similar topics addressed by three of the bills today, they will be heard in a combined hearing. This means that you will be able to testify on one,

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two, or all at the same time. This is to ensure that everyone who wants to testify will have the opportunity to do so. When we move to the combined bills on the agenda, I will announce the bills and they are LB1252, LB1254, and LB1055. At that time, please move to the front if you can and wish to testify on any of these bills. When it is your turn, you will announce in your opening which bills you are testifying on and your position. Please complete a green testifier sheet for each bill you wish to testify on. When all testifiers are done, we will then call the introducing senators to come up for their closing remarks. I will now have the committee members with us today introduce themselves starting on my right.

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

**LINEHAN:** Good afternoon, I'm Lou Ann Linehan. I represent District 39, western Douglas County.

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

**MEYER:** Fred Meyer, District 41, central Nebraska.

**MURMAN:** Also assisting the committee today to my right is our legal counsel John Duggar, and to my far right is our committee clerk Shelley Schwarz. Our pages for the committee today are Isabel and Shriya, and I'll have-- ask them to stand up and introduce themselves and tell us what they're studying.

**ISABEL KOLB:** Hi, I'm Isabel. I'm a junior political science major at UNL.

**SHRIYA RAGHUVANSHI:** Hi, everyone, I'm Shriya, and I'm a senior political science major at UNL.

**MURMAN:** And thank you very much for helping us out today. And with that, we'll begin today's hearing with LB953. Senator Kauth.

**KAUTH:** Good afternoon, colleagues, on the Education Committee. My name is Kathleen Kauth, K-a-t-h-l-e-e-n K-a-u-t-h, and I represent Legislative District 31, which is the Millard area of Omaha. The state has always been very proud of our strong education system. When my family and I moved here in 2012, I spent much time analyzing the school districts to determine the best fit for my kids. Millard, specifically Millard West, because they had swimming, German language courses, and robotics, was exactly what my oldest, a rising freshman,

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needed. We have had some truly exceptional teachers at Millard. As a parent, whenever I would speak with the student teachers at the schools or talk with college kids who were looking for student teaching positions, Millard was the top choice for student teaching and later a full-time job. As members of this committee know all too well, we are now facing a severe teacher shortage, even in Millard. Encouraging and supporting prospective teachers will help us rebuild our teacher population. When prospective teachers are in college, they do a full semester of student teaching. Most of these student teaching positions are not paid. While these student teachers are working full time in a school, they are also paying a full semester's worth of tuition. There are check-ins with their proctor at the university, but for the most part these student teachers are actually paying for the ability to work full time and helping our schools out tremendously because student teachers do a lot of work while they're there. LB953 would waive the tuition payment for that semester. The state university or college would apply all scholarships and grants, etcetera, prior to the state of Nebraska making up the difference. It's my hope that this will give prospective teachers a bit of breathing room while they're completing their education. We want to encourage them to stay in the teaching program with the hope that they would be offered jobs once their student teaching is complete. This program will have a sunset clause. I'm asking for it to start in the fall of 2025 and end 6 years later. We will not always be in a teacher drought and should only use state intervention sparingly. Should the program be successful and there'd still be a need after its completion, I'll bring another bill to extend it. I thank the Education Committee for your attention to this issue and I ask that you support LB953. I believe it would make an excellent addition to your consent calendar.

**MURMAN:** Thank you. Will you be here to close?

**KAUTH:** Yes.

**MURMAN:** OK. Any questions for Senator Kauth at this time? If not, thank you for opening. Proponents for LB953?

**PAUL TURMAN:** Good afternoon, Chair Murman, members of the Education Committee. My name is Paul Turman. I'm the chancellor of the Nebraska State College System. I'm here today to request your support of LB953 to provide the additional resources and the financial assistance to our teacher education candidates during their student teaching experience. We continue, and I think as the senator noted, a significant shortage. You all are very aware of that. Prior to my

arrival here in the state, we had seen almost 7 straight years of a decline in the total number of candidates that we have. So individuals who are admitted fully into our teacher education programs, and over the last 5 years, we've actually seen a little bit of a turnaround for that. The unfortunate thing is the total number of completers that we have as a state has continued to decline. And so I think any type of legislation that begins to address ways to help incentivize student teachers in their final year of experience is, is very rewarding. One of the things-- I think you look at the students in the state college system, the vast majority of our students are forced to, to work for almost full time or part time while they're doing their educational experience. When you get to that student teaching experience, it makes it very difficult for them to do that because they're devoting so much of their time and energy to that clinical experience in the classroom. We have, and I think, pointed out that school districts have shifted to providing student support for student teachers and paying them. That is not necessarily widespread across the state and it certainly is less likely to happen in many of our rural districts here in Nebraska as well. So our student teachers are faced with additional travel, additional accommodation, additional room and board expenditures. And many of them ultimately are placed either close to our college or they go back home. And if they don't have one of those two opportunities, what we, oftentimes, see is that they're less likely to go into rural districts because of all the different challenges that are there, even beyond tuition. They oftentimes are faced with different instructional costs, materials, or activities for their students. We're also asking them to be professionals in the classroom where they're having to invest in additional attire to be seen as a peer with their colleagues. The appropriation that the senator speaks of, I think, does go a long way of ensuring that we're not shifting these costs onto other students and families in a tuition process for our state colleges. We anticipate without the grant need that we provide, that it'd be about an \$850,000 expenditure. When you factor that in, we would see that almost each year roughly about \$400,000, \$450,000 of state support. And I think that's important. In conclusion, I think the state colleges were originally formed as our normal schools to serve the state. They became the teachers' colleges. They continue to emphasize this and have a very critical mission at Chadron, Peru, and Wayne State College of doing that. LB953 would provide some additional state funding to support the recruitment and retention of teacher candidates and will have a positive impact, I believe, on our collective ability to continue to address the growing teacher shortage. And I hope that in 6 years we don't have to be back here asking for additional funding. I'd be happy to answer any

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questions that any of the committee members would have and I appreciate your support.

**MURMAN:** Thank you. Any questions for Dr. Turman at this time? If not, thank you for testifying.

**PAUL TURMAN:** All right. Thank you.

**MURMAN:** Other proponents for LB953?

**KRISTEN HASSEBROOK:** Good afternoon, Chairman Murman, senators of the Education Committee. My name is Kristen Hassebrook, K-r-i-s-t-e-n H-a-s-s-e-b-r-o-o-k, here on behalf of the University of Nebraska in support of LB953. I want to just thank Senator Kauth and her willingness to incorporate language in this bill to provide an appropriation for the tuition waiver. And we would ask the committee to ensure that any final language reflect the need identified in the fiscal note to ensure the appropriation language is sufficient to cover the expected cost of the program. This committee has a number of other teacher recruitment and retention proposals, also of great value. But we're here today primarily to express support for Senator Kauth for working with us and recognizing the need to provide appropriation support for tuition waiver programs. Student teaching is one of the most important activities in the process of becoming a teacher, and the vast majority of students when they reach this last phase prior to graduation do go on to complete their degrees. However, legislatively mandated tuition waivers without corresponding funding mechanism can pose financial challenges to institutions of higher education. So without this revenue, we may have to reduce other specialized programs or need-based tuition waiver programs to accommodate these costs. That's why state colleges and the university were here several weeks ago in support of Senator Hardin's bill related to the KHOP and RHOP programs, a tuition waiver program that the higher education institution started many years ago to waive the tuition for healthcare track students and recruit them into that field. It has been wildly successful. But with the rising trends in other students receiving tuition waivers due to legislation, it has put pressure on programs like the KHOP and RHOP program. The financial investments required to, to educate students with or without tuition waivers are the same. And when it comes to the student teaching experience, those costs regularly include faculty and staff time to secure the student teaching spots across the state to work with each individual school to accommodate that, that process supporting the student while in the classroom, evaluating them while also providing

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other student support services. Again, very-- appreciate your support of LB953 and would be happy to try to answer any questions.

**MURMAN:** Thank you. Any questions for Ms. Hassebrook? If not, thank you for testifying. Other proponents for LB953?

**WINONA MITCHELL:** Hi, my name is Winona Mitchell, W-i-n-o-n-a, Mitchell is M-i-t-c-h-e-l-l. I'm here testifying in support of LB953 and on behalf of-- on the behalf of the Nebraska State Education Association. I'm a student at the University of Nebraska-Lincoln. I'm a secondary education major with a minor in history. I'm a low-income student. I'm a first-generation student. But, most importantly, I'm a small town Nebraska kid and the very proud product of a cornfield school. It is no secret that the cost of college is high, and I feel very thankful to have a job on campus where I'm a student worker in the financial aid office, as well as a second job at the YMCA where I teach as a swim instructor, and a third job as an NSAA speech judge. Because of this, I can keep my debt low and pay my way through college, but I'm not the only one in my cohort in this situation. Almost everyone I know has 2 or 3 jobs as we work through the same strenuous preservice teacher program. As a working college student, in most programs of study, one can work throughout their whole career and feel confident in their ability to pay bills as well as afford to continue without a semester of stress. The workload of student teaching adds another layer of stress requiring a preservice teacher to be thoughtful about their savings to pay bills. Federal student loans are a crutch for me as well as others in my same situation. But with federal loan restrictions, often after the amount disperses, there's not a lot left for living expenses. Communities like my own would benefit from this bill, as often rural schools cannot compete with larger school districts such as those in Omaha who can pay student teachers a stipend as they go through the semester. The state of Nebraska would benefit from this. Students consider going to other places, such as Texas, who regularly pay their student teachers. LB953 helps make Nebraska schools more competitive because it will defray these costs. Waiving tuition can take much of this weight off of students who otherwise may not have scholarships or grants to cover the semester's cost and cannot work to pay for college expenses. It is for these reasons I ask the committee to support this bill to help student teachers.

**MURMAN:** Thank you. Any questions for Ms. Mitchell? If not, thank you for being a student in education in Nebraska.

**WINONA MITCHELL:** Thank you.

**DEB RASMUSSEN:** Thank you, Senator Murman and members of the committee, committee for this opportunity to speak. My name is Deb Rasmussen, D-e-b R-a-s-m-u-s-s-e-n. I'm a proud Nebraska public school teacher with a 40-year-long teaching career and counseling in middle schools and elementary schools. I am a member of the NSEA, the Nebraska State Education Association, and I'm currently the president of the Lincoln Education Association. I'm here kind of on the other side of the universities and the students, and I'm here to encourage you to support and advance LB953 and we thank Senator Kauth for introducing this bill. LB953 provides for student teachers to be entitled to a waiver of 100% resident tuition charges of the University of Nebraska or a Nebraska State College for the semester that the student teacher is student teaching in a Nebraska elementary, middle, high school, provided the student teacher meets certain criteria. And the problem I'm seeing as someone that's trying to recruit people into education, back when I started, when I was student teaching in 1982, that ages me, we didn't have to worry about candidates. Everybody wanted to do it, and it wasn't as expensive to go to school. Now we have people that are working three jobs to get through school and they're teaching on top of it. And as an educator, teaching is enough. You can't function with three other jobs because you're trying to pay tuition. So tuition waivers for students help address teacher shortages of which there is. We've been lucky in Nebraska not to have it, but it's here, and enhance the quality of education that they serve. Nebraska is experiencing a shortage of qualified teachers. By offering tuition waivers, teachers' colleges can attract more individuals to the teaching profession, thereby addressing shortages and improving the overall quality of education. Access to tuition waivers enables individuals with a passion for teaching to pursue higher education in the field. This helps ensure that aspiring teachers receive the necessary training and qualifications, ultimately enhancing the overall quality of education provided to students. Student teachers often face financial challenges while completing their teacher education programs. These tuition waivers would reduce the financial burden on aspiring educators, making it more feasible for individuals from diverse socioeconomic backgrounds to pursue a career in teaching. I think I left my lips at home. We're having trouble with the words here. Providing a college tuition waiver for student teachers is important for several reasons, as it helps support the education system and benefits aspiring educators. It is for these reasons I urge the Education Committee to support LB953 and help me get more people into this very good profession.

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

**DEB RASMUSSEN:** Thank you so much. It's good to see you.

**MURMAN:** Thank you. Any other proponents for LB953?

**TODD TRIPPLE:** Good afternoon, Chair Murman and Education Committee. My name is Todd Tripple. That's T-o-d-d T-r-i-p-p-l-e, and I serve as the director of strategic projects and external affairs at Millard Public Schools. And I am here today to speak in support of Senator Kauth's LB953. The current educational landscape in Nebraska is facing a pressing challenge: a significant shortage of teachers. According to the Nebraska Teacher Vacancy Report in the 2022-23 academic year, there were 208 vacant teaching positions. This number increased to 362 vacant positions in the following year, totaling 570 vacancies over the past 2 years. We support legislation that explores comprehensive strategies to address the teacher workforce shortage we are experiencing. One pivotal aspect of a teacher's journey is the student teaching experience, typically undertaken during the final semester of their degree program. This immersive phase is invaluable, yet often overlooked in terms of its financial strain on aspiring educators. Consider, for instance, that students-- student teachers must pay for 12 credit hours of college tuition during this period, amounting to approximately \$4,200 for tuition and fees based on rates from a Nebraska postsecondary institution. These financial burdens are real and warrant attention as they may deter potential candidates from pursuing teaching certification. Moreover, the demands of student teaching are substantial. It entails full-time engagement in teaching responsibilities, leaving little room for secondary employment to offset expenses. After a day of instructing students, evenings are devoted to lesson planning and content preparation for the following day, a process that extends well beyond classroom hours. As someone who has traversed this journey myself, I can attest to the challenges of balancing instructional duties, academic preparation, and financial constraints. Millard Public Schools stands ready to actively participate in discussions concerning educator workforce recruitment and retention. We recognize the gravity of this issue and are committed to collaborating on solutions. I extend my gratitude to this committee and Senator Kauth for your time and attention to this critical matter. Thank you.

**MURMAN:** Thank you. Any questions for Mr. Tripple? If not, thanks for testifying.

**TODD TRIPPLE:** Thank you.

**MURMAN:** Good afternoon.

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**COLBY COASH:** Afternoon, Senator Murman, members of the Education Committee. My name is Colby Coash, C-o-l-b-y C-o-a-s-h. I represent the Nebraska Association of School Boards. We know this committee is looking at a little over a dozen bills that is trying to address a real, real issue in the state which is education workforce shortage. And while we're supportive of many of those bills, we did want to come here in person since this bill really bubbled up to one of the top that we thought would make a big impact for this issue. And we are hoping that the committee will take a look at this and listen to all of them but hopefully this one can be part of the solution which we know we need to find.

**MURMAN:** Thank you. Any questions for Mr. Coash? If not, thank you for testifying. Other proponents for LB953? Any other proponents? Other opponents-- or are there opponents for LB953? Anyone in a neutral position for LB953? If not, Senator Kauth, you're welcome to close. And while she's coming up, in emails we have 7 proponents, 2 opponents, and 1 neutral.

**KAUTH:** Thank you. I feel like I should quit while I'm ahead. That was great testimony. I do want to stress one thing Ms. Mitchell, when Ms. Mitchell mentioned kids going to other states for their student teaching. We would not be paying for that. So this is to keep kids here to do their student teaching in our schools here in Nebraska. And I think you can-- when Mr. Tripple was talking about how much it costs, \$4,200 for that student teaching while you're teaching full time and trying to manage all of that, that's a lot. If we want to encourage people to stay in the teaching profession, this is a very small way that we can help. So thank you. Any questions?

**MURMAN:** Thank you. Any questions for Senator Kauth? If not, thank you.

**CONRAD:** Great bill.

**MURMAN:** And that will close the hearing on LB953 and we will open the hearing on LB1322 and welcome Senator Vargas.

**VARGAS:** Good afternoon, Chairperson Murman and members of the Education Committee. Oh, I don't know [INAUDIBLE].

**CONRAD:** That's OK.

**VARGAS:** Here, I'll pass them out by myself.

**CONRAD:** Here.

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**VARGAS:** My name is Tony Vargas, T-o-n-y V-a-r-g-a-s. I represent District 7, which includes the communities of downtown and south Omaha. I'm here to introduce LB1322 and you're getting a one pager right now. This would require school counselors employed by a school board and a public elementary, middle, or high school to spend at least 80% of their time during normal school hours in the direct counseling of students and up to 20% of such time on program planning and school support. LB1322 states each school board shall adopt a policy consistent with this section. I brought this bill to help alleviate concerns from school counselors across the state who are overburdened by their ever increasing noncounselor responsibilities placed on them, such as serving as the 504 coordinator, excessive supervision, building the master schedule, covering classes, test coordinating, and serving in administrative roles. These extra responsibilities make it difficult for school counselors to do their jobs and follow the ASCA National Model for School Counseling, which the Nebraska Department of Education has adopted as its school counseling model. LB1322 will give Nebraska school counselors a mechanism to advocate for themselves and their profession by allowing them to do what they're trained to do, help children. LB1322 provides guide rails for school districts to follow, allows them to decipher what services are most needed in schools when adopting a policy for their counselors. Additionally, LB1322 provides clarifying definitions for direct and indirect student service that aligns with the ASCA National Model for School Counseling. The passage of LB1322 would be a positive step towards addressing challenges that have been burdened-- that have burdened the profession for decades. It will allow our school counselors to spend more time in the direct and indirect student service and counseling, while also allowing them time to serve their school and assist their colleagues through a variety of noncounselor responsibilities. You'll hear from experts behind me about the need for LB1322. With that, I just want to thank the committee. Believe this will be the last time I'm testifying in front of this committee and I'm happy to answer any questions that some of the counselors or individuals behind me wouldn't be able to answer.

**MURMAN:** Thank you, Senator Vargas. Any questions at this time? Will you be here to close?

**VARGAS:** Yes.

**MURMAN:** OK. Thank you. If not, thanks a lot.

**VARGAS:** OK. Thank you.

**MURMAN:** Proponents for the LB1322?

**KATIE CAMERON:** Oh, golly, didn't expect that. Good afternoon. I'm Katie Cameron, K-a-t-i-e C-a-m-e-r-o-n, and I'm here with the Nebraska school-- Nebraska State Education Association. I also represent the Nebraska School Counselor Association, where I serve as one of the assistant executive directors. I'm a high school counselor in Omaha at a career academy high school. I'd like you to picture in your minds a Nebraska school counselor. What kind of responsibilities come to mind? What do you see them doing during their day? What role do they play? If you said classroom registrations or help with mental health concerns, you'd be correct. School counselors do those things, but we also do so much more than that. Professional school counselors are trained and certified to design and implement programs that improve a range of student learning and behavioral outcomes. We provide a comprehensive school counseling program to our students through academic support, personal social education, and career and college development, exploration, and planning. We create unity and focus towards improving student achievement and supporting student development. Our approach to working with students is prescriptive rather than reactive. We deliver our data-driven program to all students. We address the needs of the whole child while providing them empathy and support. We listen to their concerns and stories and we serve as an advocate for them in the school setting. The result of a poorly implemented school counseling-- the result of a properly implemented school counseling program is improved student achievement, attendance, and discipline. The day-to-day snapshot of a school counselor's job is ever-changing. It's why I love the profession so much, no 2 days are the same. On any given day, I have a list in my head and on sticky notes about what I need to get done and it's rare that I get through all of them. School counselor responsibilities differ depending on our assigned grade levels. Elementary school counselors spend a majority of their time teaching social skills, the foundation of work skills. Middle school counselors focus much of their time to help students manage their emotions as they navigate the preteen years. They also teach career exploration to help students discover who they are and who they might want to be. High school counselors focus on ensuring students are on track for graduation, and help them navigate the decision-making process of postsecondary options. All school counselors address mental health concerns and provide crisis response. Nebraska school counselors all follow the same programming from our largest districts in Omaha and Lincoln to the small rural ones in western Nebraska. According to the model that Nebraska school counselors follow, a minimum of 80% of a school

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counselor's time should be spent in direct student service or service to students. We are professionally trained and provide these services through 8 different types of delivery methods, 5 of these are face to face with the students. They are: whole class curriculum, small group counseling, individual counseling, crisis response, and individual student planning. The other 3 methods of direct service are on behalf of a student, but not often with the student present. Effective school counseling programs are a collaborative effort between the school counselor, families, community stakeholders, and other educators to create an environment resulting in a positive impact on student achievement. Through consultation, collaboration, and referrals, we advocate for our students and work with other adults to ensure they have the most appropriate support for their needs. Examples of these indirect student services include IEPs, 504s, and MDT meetings, working with social workers to find clothes and food for students or their families, and working with outside agencies for credit recovery, tutoring, employment, driver's education, etcetera. The list goes on and on.

**MURMAN:** Excuse me, you do have the red light but--

**KATIE CAMERON:** Oh, I'm so sorry.

**MURMAN:** --if you could continue quickly.

**KATIE CAMERON:** I am wrapping up. I will wrap it up, I promise you.

**MURMAN:** Thank you.

**KATIE CAMERON:** OK, let me get to this. LB1322 is a pro-school counseling legislation. It does not micromanage how much time is spent on various direct student services. It would give school counselors a mechanism to advocate for ourselves and for our profession to clear noncounselor responsibilities off of our plate and allow us to do what we professionally are trained to do, help children. It gets to the heart of what a school counselor should be doing and the role of what a school counselor truly is. The bill will ensure students have access to their school counselor whenever they need them. Please support our children, protect our school counselor's time, and advance LB1322 out of committee.

**MURMAN:** Thank you.

**KATIE CAMERON:** Thank you.

**MURMAN:** Any questions for Ms. Cameron?

**CONRAD:** Thank you.

**KATIE CAMERON:** Thank you.

**MURMAN:** If not, thank you for your testimony. Other proponents for LB1322?

**MALINDA JEAN BAPTISTE:** Good afternoon, Senator Murman and members of the Education Committee. My name is Malinda Jean Baptiste, M-a-l-i-n-d-a J-e-a-n B-a-p-t-i-s-t-e, and I reside in Lincoln, Nebraska. I'm in my 12th year as a high school counselor for Lincoln Public Schools, and I'm an assistant executive director of the Nebraska School Counselor Association. I strongly support LB1322, which will require that school counselors spend 80% of their time during normal school hours in direct counseling of students. At the core of a counselor's job is supporting children in their learning at school. Our focus is always on academic growth for each and every student. This means creating space to meet basic needs so students are able to learn. This means crafting potential career fields and connecting classroom learning and collaborating with partners to find ways to challenge Nebraska's best and brightest students. Counselors frequently review data to plan academic interventions for students. For example, my team reviewed student graduation data and found a correlation between the number of ninth grade classes passed and on-time graduation. We scaffolded interventions over the course of two quarters this year that included frequent contacts home, partnering with teachers to support student learning inside and outside the classroom, running a small group to teach strong academic behaviors, and meeting with individual kids weekly or even daily to develop positive academic habits. By decreasing first semester failures by 20%, we are positive that we will move the needle upward as these students approach graduation. This time of year is one of my absolute favorite seasons, registration for next year's classes. I have the opportunity to speak with and advise every one of my students, encouraging them to challenge themselves with dual credit and AP classes, to explore classes that are connected to a career that they see themselves pursuing, and making plans for the next step, be it military service, apprenticeship, college, entering the workforce, or any other goal that they have after graduation. These conversations are able to happen because I'm present with students during 80% of my working time in a direct support role. I also have the distinct honor of supporting seniors who are finishing their final couple of classes through Lincoln Public School summer school. As a team, we collaborate with students and support systems to address barriers to finish those last 1 or 2 classes between them and a diploma. Over the past 5 years,

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we have graduated on average between 92 and 98% of the students who come to summer school with the intention of graduating. And while these numbers are meaningful, there's a lot more behind that data than just the numbers. As we reflect on the time, I see the faces of students who found hope and achieved something that seemed unreachable, including a 20-year-old student who dropped out, came back and finished over half of his credits towards graduation in a single year. That one diploma changed the trajectory of this young man's entire life, providing hope and a pathway to sustainable employment but even more of the knowledge he was capable. This is not unique. Counselors across Nebraska celebrate with students and they become members of your society, your constituents who continue to drive growth and innovation across this great state. Please support our children, protect our school counselor's time, and advance LB1322 out of committee. Thank you.

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

**MALINDA JEAN BAPTISTE:** Done.

**MURMAN:** If not, I've got-- I've got one.

**MALINDA JEAN BAPTISTE:** Yes, absolutely.

**MURMAN:** You've been a counselor for 12 years-plus--

**MALINDA JEAN BAPTISTE:** Correct, sir.

**MURMAN:** --I think. Do you think we-- we're being too prescriptive in making these special requirements?

**MALINDA JEAN BAPTISTE:** I do not. I mean, I'm very fortunate in that I work for a district that does support that 80/20 percentage. Our district does protect our time. But that is-- and, in particular, my building does. That is not true when we really hit the elementary schools and the middle schools. I think sometimes the things that they're asked to do to step into administrative roles that should be handled by administration, supervision duties that can be done by people with less intense education and particular skills can be really helpful in making sure that we do what we're trained to do best, which is to meet kids where they're at, work with families, work with parents, work with support systems like probation, therapists, and really support those students in school rather than watching them eat lunch.

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**MURMAN:** And also do you look at it as increasing paperwork at all? We always hear how we require too much paperwork of the educators.

**MALINDA JEAN BAPTISTE:** Sure. I mean, I do think there is a challenge there. I mean, I think people do kind of ruffle a little bit at paperwork. But in reality, with the model that we follow, it's really just documentation of what we are doing. If we are doing that 80/ 20%, it's just showing the work that we do, which then I think goes to advocate for how important our role is in schools when we can say we spent 80% of our day meeting with kids, meeting with families, meeting with support systems to make sure that these kids find success. Also, here are their success numbers. I think that's really powerful and can be a useful data piece that can actually speak to people about what we do, because sometimes they don't know what we do day to day. And being able to have some paperwork a little bit around that can really support the work that we do and prove that we are doing good for our students here in Nebraska.

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

**MALINDA JEAN BAPTISTE:** Thank you very much.

**MURMAN:** Other proponents for LB1322? Good afternoon.

**MARTHA-JANE MATTHEWS:** Good afternoon. My name is Martha-Jane Matthews, M-a-r-t-h-a-J-a-n-e, last name is M-a-t-t-h-e-w-s. Good afternoon, Senator Murman and committee. I am an elementary school counselor in Omaha and a member of the Nebraska School Counselor Association and the Nebraska State Education Association. But my students just call me Ms. MJ. School counselors are educators. Much of the teaching peace of an elementary school counselor's job involves personal/social learning, learning, communication skills, friendship skills, anger management, time management. In my role, I spend a good majority of my day teaching classroom lessons and meeting individually with students to work with them on a myriad of things, from learning how to manage their emotions to how to get along with friends and their teachers. Sometimes we play board games or card games to help the students feel at ease. It often results in them opening up more. Students share all sorts of things with me. We talk about things like family members dying, parents getting divorced, bullying, just to name a few. But because we don't have a set schedule other than our classroom teaching, school counselors appear to have somewhat of a fluid schedule. We are often assigned a multitude of fair-share or noncounseling-related duties, making us unavailable to fill our roles

of school counselors and serve our students the way that they deserve to be served. An example of this in our district follows. We have multiple elementary counselors who supervise breakfast, cover 2 hours of lunch duty, have crossing guard or bus duty at the end of the day. In a 7-hour school day, that could equate to 3 or more hours or 43% of our day. These counselors are not available to provide counseling students-- to their students. I have kids come up to me and say, Ms. MJ, can I meet with you, I'm really upset? After lunch. I have to do this first and that is not fair to anyone. This is not an exaggeration. This is the reality of many school counselors across our state. This is 3 hours of time counselors are unable to help students in crisis hold small groups or do individual check-ins. It's 3 hours of time when counselors are not providing counseling services to our kids. We are also called on to cover classes to perform administrative duties and behavior intervention. None of this which falls in our role. All of this makes it difficult to serve our students. At my school, there are already kids who arrive dysregulated. They had a fight with their parents, whatever, in the morning. If I can just sit down and have breakfast with them, I can change the trajectory of their entire day. I can calm them down. We can talk. We can get to class on time and ready to go. If I am on breakfast duty, I sometimes don't even see those kids so I have no idea why they're acting up all day long in class. This holds true for lunchtime as well. And I said that earlier. It gives us the opportunity to know our students and connect with them so they feel more comfortable coming to us with their concerns. I'm in a very diverse school, and it is hard to connect with kids until you build a relationship with them and their families. LB1322 is absolutely the right bill to support students in Nebraska as school counselors play an integral role in our school. Please support our children, protect our school counselor's time, and advance LB1322 out of committee.

**MURMAN:** Thank you. Any questions for Ms. Matthews? If not, thank you for your testimony. Other proponents for LB1322? Good afternoon.

**TASHA OSTEN:** Hello. My name is Tasha Osten, T-a-s-h-a O-s-t-e-n, and I'm the 6-12 school counselor at Raymond Central. I'm a member of the Nebraska School Counseling Association and the Nebraska State Education Association. The time spent working with students on postsecondary exploration and planning is valuable. School counselors dedicate time to helping students develop goals and plans that help them see the big picture of their future. Developing a comprehensive school counseling program has allowed me time to work with students and families in college, career, and life readiness. School counselors believe partnering with parents and guardians is critical, as parents

have the right to be the guiding force in their child's development and are key partners in postsecondary planning process. In 2021, our school was awarded the EducationQuest College Access Grant, which has allowed us to provide postsecondary programming to our students and the families. Over the past 3 years, we have seen an increase in the number of families attending our information sessions. As a result, they are working with their students to make educated decisions on their postsecondary educational opportunities. Family attendance for senior meetings has increased 105% since establishing this programming, and our dual credit information night has grown in attendance from numbers in the low 40s to over 100 parents and students. This is reflected in our growing number of credit hours as well. We're excited that our students want to earn college credit while in high school. Through various activities and resources, school counselors help students explore different career options, increase their interests, strengths, and develop necessary skills and knowledge in their success of the workforce. The benefits of establishing a program that promotes spending time with students one on one in small groups and classroom sessions can be noted in direct student feedback. One student shared: Having multiple opportunities to visit college campuses, explore careers through interest surveys and discussions allowed me to narrow down my choices about my future. Direct conversation when I doubted myself and my ability to exceed helped me overcome these challenges and reminded me that I am-- that I always had someone supporting my dreams and believing in me. Another student shared with me: Transitioning plans, scholarship packets, surveys about us, and class boards kept me on track for my future and helped me discover a passion that I wouldn't have chosen on my own and this provided immense support. The open-door policy allowed us to know that you were there for us and wanted to spend time helping each student individually. Any kind of support or tough conversations are OK. Finally, another student of mine recently said: Academic support and encouragement to try different classes, push myself with rigorous classes, and working through personal struggles and helping me find myself through activities in these classroom lessons are all things that have set me up to be successful after high school. School counseling programs place a strong emphasis on preparing students for their future in life beyond school. Exploring all postsecondary options is a major component of our program. Working through these student-- working with students collectively in lessons and exploration activities expose all students to the options available to them. More focused time with students and interest areas can lead to union apprenticeship programs, military opportunities, and other career-based opportunities. These options are not always as prevalent

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as college options that are put in front of students daily. Please support our children, support our-- protect our school counselor's time, and advance LB1322 out of committee.

**MURMAN:** Thank you. Any questions for Ms. Osten? If not, thank you for testifying. Other proponents for LB1322?

**DOUG HAUSERMAN:** Good afternoon, Senator Murman and the rest of the Education Committee. My name is Doug Hauserman, D-o-u-g H-a-u-s-e-r-m-a-n, and I am representing the Nebraska School Counselor Association where I serve as the executive director. I'm here today to ask for your support of LB1322. Earlier, you heard Ms. Cameron talk about the role of school counselor and how school counselors use their unique training and support of the whole child through the implementation of comprehensive school counseling programs and how school counselors work with this-- work with and support all students, pre-K through 12th grade. I don't believe I need to tell anyone in this room about the ever increasing mental health needs of our students, not only in Nebraska, but nationwide as those needs have been well documented. School counselors are on the front lines of identifying students with mental health needs, supporting them in the schools and collaborating with parents to identify community programs and supports for their student. In addition to identifying students with mental health needs, a part of the role of school counseling is teaching the personal social skills necessary to function successfully in school and, eventually, the world of work. Ms. Matthews shared how school counselors in her building impacted their students' personal social development. Building these skills are necessary to help students cope with challenges and overcome obstacles. Students who have the skills and the ability to cope with setbacks are less likely to face mental health challenges later in life. Therefore, teaching these skills are particularly important for elementary students to learn before the stresses and challenges of adolescence, social media, and higher stake academics become the reality in middle school and high school. However, the need to refine these skills and expand on them continues all the way through high school. Through our work in partnership with the Nebraska Chamber, school counselors have learned that the needs of the Nebraska workforce are going to look drastically different in the near future, with its up to as much as two-thirds of the future workforce being comprised of jobs that do not require a 4-year college. In the mid-1900s, our country race-- was in the race to the moon with the Soviet Union and school counselors stepped up to the plate to make sure the needs of the nation were met. Likewise, we are prepared to step up and meet the needs of our state's future workforce. The bottom line in education is educating our youth and

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strengthening academic achievement. Ms. Jean Baptiste shared how Lincoln school counselor-- our counselors at Lincoln Northeast have supported academic achievement with their ninth graders and as a result seen a 20% decrease in semester one failures. This is not unique. In 2012, there was an evaluation in Nebraska statewide data completed and the take away from that evaluation was the fully implemented comprehensive school counseling programs with favorable student ratios are associated with the range of positive student education and behavioral outcomes. The Nebraska School Counselor Association recently gathered data from practicing school counselors about the challenges they face and fully implementing a comprehensive school counseling program that aligns with the school counseling model already adopted by the state of Nebraska. What we discovered was it was not lack of counselor knowledge. It wasn't lack of support of administrators. It was the lack of-- it was the addition of burdens and extra responsibilities being placed on the school counselor. So I turn to all of you today and I say this is our moment. This is our moment to make a significant positive impact on students in Nebraska by ensuring school counselors can maximize their skills and training to improve academic achievement, help students cope with and manage the increased mental health challenges they face, and help prepare the next generation for the world of work in meeting our rapidly changing workforce needs. This bill does not require additional spending.

**MURMAN:** Excuse me, you do have the red light so I need you to wrap up quickly.

**DOUG HAUSERMAN:** I got, like, three sentences--

**MURMAN:** OK.

**DOUG HAUSERMAN:** --two sentences. It would simply ensure that existing school counselors have the time to do the job they were trained to do. And we have shown that in the end that benefits Nebraska students. So I ask each of you to please support LB1322 by advancing it out of committee. I'm happy to answer any questions that the committee may have and I've provided my email if you prefer asking me those in email.

**MURMAN:** Thank you. Any questions for Mr. Hauserman? If not, I--

**DOUG HAUSERMAN:** Senator Murman, do you want me to address the-- you were concerned about the prescriptiveness.

**MURMAN:** Yeah.

**DOUG HAUSERMAN:** Would you like me to address that--

**MURMAN:** Yeah.

**DOUG HAUSERMAN:** --because I'd be happy to? The way I, I see this is, is we're hearing feedback. This bill is another one of those vague bills coming out of Lincoln on one hand and we hear that it doesn't go far enough from others. It leads me to think we hit the sweet spot. I see it as guide rails in terms of what school counselors do, but the flexibility is left up to the school counselor and the administrator to work together to figure out within this 80% what are the needs of the school? Is it more classroom time? Is it more individual counseling? What is the need? So it does provide guide rails. But in my estimation it is just that, guide rails and leaves flexibility up to the schools to determine exactly what that will look like.

**MURMAN:** Thank you. Are counselors required in all K-12 schools?

**DOUG HAUSERMAN:** Currently, school counselors are required in secondary schools: middle and high school. They are not required in elementary schools at this time.

**MURMAN:** Have you ever had any experience in smaller schools?

**DOUG HAUSERMAN:** Yes. I began my teaching career in small schools and so it's a very different look, for sure, in small schools. And I continue to be in touch with our members in small schools in understanding their needs. I didn't mention it because I skipped over things as I was trying to get through. But this bill really isn't-- the issues that we were getting from school counselors in terms of the extra duties were coming from rural schools, they were coming from metro schools from all corners of our state.

**MURMAN:** Yeah. My question is, in a smaller school, which it was mentioned how counselors are sometimes asked to do other duties that--

**DOUG HAUSERMAN:** Yep.

**MURMAN:** --that might limit, you know, counselors even being hired by smaller schools, but you did say they are required.

**DOUG HAUSERMAN:** Yes.

**MURMAN:** So if it might, you know, limit smaller schools in some way--

**DOUG HAUSERMAN:** Right. Right.

**MURMAN:** --because of the requirements.

**DOUG HAUSERMAN:** Right. I think it's certainly going to require all schools to some degree and smaller schools to kind of rethink outside the box and, and how they might be able to distribute some of the duties that have fallen easily on school counselors, not maliciously or intentionally. But, again, I think one of my colleagues mentioned that when you are-- when you don't have a real set schedule, it's easy to go, oh, well, Mr. Hauserman can see Johnny later. I need a substitute teacher right now. And so that's what we're trying to get away from so that students can benefit from the services they need.

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

**LINEHAN:** Thank you, Chairman Murman. Are counselors all certified teachers as well or is a different degree?

**DOUG HAUSERMAN:** So until recently, to get your degree in school counseling you had to have 2 years-- I think it's 2 years, maybe it's 3 years of teaching experience before you could get your master's degree in counseling. Nebraska was one of the last states, Texas and Nebraska were kind of the holdouts in changing of the certification for school counselors. So there is an alternate path, you can get your-- you can get your bachelor's degree in psychology or whatever you want to. And then when you go through your program to be a certified school counselor, then there's some additional classes that you have to take to understand classroom management, lesson planning, delivery instruction, etcetera. And then when you get to your practicum hours, if you haven't been in the classroom, they require that a certain number of your, your practicum hours or your internship hours have to be supervised in the classroom so you get that education experience.

**LINEHAN:** Thank you very much.

**MURMAN:** Any other questions? Thank you. I've, I've got another one. I just--

**DOUG HAUSERMAN:** Oh, fantastic.

**MURMAN:** --I think if I understood you correctly, counselors are not required in K-6--

**DOUG HAUSERMAN:** That is correct.

**MURMAN:** --in schools? I'm thinking--

**DOUG HAUSERMAN:** I will say most, most have them, but yes.

**MURMAN:** OK. In some smaller schools, being prescriptive like this might, you know, prevent them from hiring a counselor in K-6 where I think they would be very important.

**DOUG HAUSERMAN:** They are very important. And I would say in, in the smaller schools, most typically it is a K-12 school counselor. So it's not a separate elementary counselor in a separate, separate secondary in the smallest of our, our schools where that would--

**MURMAN:** OK. Thank you.

**DOUG HAUSERMAN:** --be the biggest issue. Yeah.

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

**DOUG HAUSERMAN:** Thank you.

**MURMAN:** Any other proponents for LB1322? Any opponents for LB1322?  
Good afternoon.

**COLBY COASH:** Good afternoon, Senator Murman, members of the Education Committee. My name is Colby Coash, C-o-l-b-y C-o-a-s-h. I represent the Nebraska Association of School Boards and we are here in opposition of LB1322. But we do understand what Senator Vargas is trying to get to here. We have the same goals, which is putting school counselors, which are vital, very important parts of the education of our-- of our kids. However, to your-- to your point earlier, Senator Murman, we do feel that this is a little bit too prescriptive. This hardwired percentage is a little bit of a micromanagement of the schools. And I think you can appreciate as, as has been mentioned some of the variance between large schools and small schools and how this might play out could be a little bit different. We just contend that state statute may not be the place for this, the kind of specificity that's in LB1322. We certainly think this could be part of Department of Education regulations. In fact, the regulation that you were just talking about that requires a school counselor. That's a Rule 10 regulation in the Department of Education. That same regulation can be adjusted through the procedures of the department to adjust things such as percentage, things like that. So we think that's a more appropriate place to have this discussion versus a hardwired state statute that would affect all schools the same.

**MURMAN:** Thank you. Any questions for Mr. Coash? If not, thank you--

**COLBY COASH:** Thank you.

**MURMAN:** --for testifying. Any other opponents for LB1322? Any neutral for LB1322? If not, Senator Vargas, you're welcome to close. And while he's coming up, we have electronically 18 proponents, 2 opponents, and no neutral.

**VARGAS:** Thank you very much. A couple of things I wanted to touch upon, one, again, my last time in this committee. There's a reason why I brought this bill, we have had a lot of conversations in this committee about educational outcomes, about when we're looking at where our kids are landing and the real gaps that exist in the system. There are real gaps that exist in our system in terms of preparedness for the workforce, for emotional and behavioral mental health support, readiness for college, readiness for career. Rather than bring a bill that is adding more funding or bringing a bill that is mandating ratios or bringing a bill that is requiring another social worker, we're talking about whether or not a school counselor is doing the majority of their time, 80% of their time, what is expected in the model of their profession. West Virginia, Texas, Virginia, and Pennsylvania have either put this in statute, put it in rules and regs. And the reason they're doing this is because if you don't protect it, it will be used for something else. You've heard from counselors. If it's used for something else, if their time is used for something else, if there is one school counselor for 500 kids and say, for example, or across many different schools in a school district, they should be able to spend their time on whole class curriculum, small group counseling, crisis response, individual counseling, student planning. And if they're being asked to do something else, they're probably going to do this something else because they're being asked of it. But there are real gaps, and they play a huge role in whether or not we close all those gaps that you've been hearing for years. This is the reason why this is, you know, in one way, maybe too prescriptive for some are too vague for others, which is the sweet spot. Putting into statute what is the model of best practice, the profession, is a good measure. Otherwise, you wouldn't see states that have rather bipartisan efforts in this to put this into statute. They're doing it because, again, we don't have all the solutions or all the money or all the reforms that are possible to make all the changes we need, but we can at least make sure that the very few people doing this very proactive work for students and for families have the time to do it. And that's the reason why it's written as such. I ask for your support because I see this as very fiscally responsible, protecting taxpayer funds without putting and throwing more money at the solution only but protecting what we currently have

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right now in the system, which is our staff that are trained to do this proactively, not reactively in school counselors. With that, I'm happy to answer any questions.

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

**VARGAS:** Thank you very much.

**MURMAN:** And that will close the hearing on LB1322 and we will open the hearing on LB841 and welcome Senator McKinney. Good afternoon, Senator McKinney.

**McKINNEY:** Good afternoon. Thank you, Chairman Murman 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, which is north Omaha in the State Legislature. I'm introducing LB841, which calls for district leadership engagement in schools. In the realm of education, the relationship between school district leaders and school-- and schools under their purview holds a paramount-- holds a paramount importance. This bond significant-- significantly influences the learning environment and, consequently, student outcomes. At times, legislative measures become necessary to fortify this connection. By enacting laws aimed at enhancing this relationship, we can cultivate an environment where all stakeholders are fully engaged, thereby leading to improve student performance. Legislation plays a pivotal role in establishing clear guidelines for communication and collaboration between district administrators and school leadership. Reflecting on my tenure in the Legislature, I've come to recognize that one potential solution involves mandating district administrators to spend time within schools throughout the academic year. Through hearings, focus groups, and dialogue with educators, parents, school board, board members, and anybody I could talk to, it's become evident that there is a clear disconnect, particularly, particularly in the district I represent which manifest in poor academic outcomes, particularly among black students. Requiring direct engagement within schools has the potential to enhance those outcomes by, by facilitating meaningful discussions about challenges, sharing successes, and, and collectively brainstorming solutions. This fosters transparency and accountability as administrators gain valuable insight to tailor policies according to each school's unique needs. Our educational system is in dire need of reform and cannot undergo transformation without a thorough understanding of a shortcoming from all involved parties, as mere numbers and reports fail to convey the full narrative. Furthermore, such legislation can aid in effectively allocating resources by

strengthening the ties between district administrators and schools. This could lead to increased funding for training programs focused on relationship building, communication skills, and cultural competency, while also promote mentorship initiatives where seasoned leaders, mentor newcomers-- can mentor newcomers nurturing a cultural-- a culture of collaborative learning with the-- with an overarching objective of narrowing the achievement gap. Critics may oppose these measures for various reasons, such as increased staffing requirements or questioning the relevance of certain rules. To them, I pose the question, beyond mere objections, what alternative solutions do you propose? Moreover, why shouldn't individuals conducting research also understand the students they study? It's imperative to acknowledge that students are left to navigate the consequences of understaffed and overcrowded classrooms, thus necessitating proactive solutions. Lastly, this proposed legislation aims to ensure that decisions are made with the input of all stakeholders rather than being imposed unilaterally. Additionally, by reporting to the Legislature, we gain valuable insights into the inner workings of schools enabling us to make informed policy decisions in the future. In conclusion, this legislation is indispensable for fortifying the bond between school district administrators and schools by delineating clear expectations, provide necessary resources, championing diversity, and prioritizing student- and teacher-centered approaches. Laws can pave the way for, for an educational system where every individual can contribute to a student's success. This commitment ensures that every student receives a high quality-- high quality education, thereby equipping them for success for the future. I mean, I honestly brought this bill because I just don't feel like people are listening to the teachers or the students or the parents, and I mean the people that make the policy decisions in these districts. And, and I think that's the biggest issue with our educational system is that a lot of people are making a lot of money to continue to fail our kids and that's the biggest problem. And this, this bill is probably not the solution, but I think we really need to start thinking about a solution, because just throwing Band-Aids on the problem is not doing anything. And continuing to say no is not doing anything. And if we're going to continue to say no and continue to try to throw Band-Aids on a problem, I promise you if I'm still in this Legislature, I'm going to continue to bring bills to hold you guys accountable for saying no and trying to throw Band-Aids on the problem. I thought it was really interesting reading the fiscal note of this bill, looking at the one for OPS. The comment from the drafter, it says: Disagree with the estimate provided by Omaha Public Schools. The assumption appears to be that the requirement to focus 15% of an administrator's work time

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on school engagement activities results in a need to hire a new administrator is not reasonable. The General Fund fiscal impact is not state General Funds, but the district's operating general fund. Additionally, after two years, the increased costs, if any, would be added to the district's needs within TEEOSA school aid formula. Since Omaha Public Schools is an equalized school district, it would receive more state aid to offset the increased needs caused by the provisions of this bill. The district would also need to increase property taxes. But they just lowered their levy, which was about \$2 million. But they say they don't have money. Well, they, they say they would need to hire more people, but they keep saying they don't need more money. It really doesn't make sense to me, especially when you say you're the district with the most poverty kids. I guess lastly, I also-- somebody came to my office earlier, I included the private schools because the private schools feel like they should be teaching black kids, too. I think they should be held accountable, too. I think I'm an equal accountability person. I don't care who you are. And I just feel like our educational system is outdated. It's failing kids and mostly black kids, and we need to do something about it. And until we do so, more bills will be introduced in this Legislature to try to do that. And maybe this won't pass, but something will eventually. Until people get paid hundreds of thousands of dollars, wake up and try to do something. And I'll answer any questions. Thank you.

**MURMAN:** Thank you, Senator McKinney. Will, will you be here to close also?

**McKINNEY:** Yes.

**MURMAN:** OK. Thank you. Any questions for Senator McKinney at this time? Senator Linehan.

**LINEHAN:** Thank you, Chairman Murman. Senator McKinney, I'm looking at the fiscal note from Omaha Public Schools, which you mentioned: It is anticipated that additional 44 administrators, 15% more, would need to be hired to offset the proposed statutory requirement that certified administrators reallocate. So is that saying they don't do any of it now? Because if they need-- they need 15% more administrators, that would seem to say to me that no-- none of the administrators are currently doing this.

**McKINNEY:** Or if they are doing it, it's the bare minimum or nothing.

**LINEHAN:** Thank you.

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**McKINNEY:** Yep.

**MURMAN:** Any other questions for Senator McKinney? If not, thank you--

**McKINNEY:** Yep.

**MURMAN:** --for opening. Proponents for LB841? Any proponents for LB841? Opponents for LB841?

**KAYE KENNEDY:** Good afternoon, Chairman Murman and members of the Education Committee. My name is Kaye Kennedy, K-a-y-e K-e-n-n-e-d-y, and I'm the principal of Dundee Elementary School. I have served as an administrator in the Omaha Public Schools for nearly 25 years. I'm here today on behalf of the Omaha Public Schools in respectful opposition to LB841, which would adopt the School Leadership Engagement Act. I serve 500 students, 33 teachers, and 28 staff members as the principal of Dundee Elementary. I get to school around 7:15 in the morning. I visit with my secretary, my instructional facilitator. We review if there's any guest, guest teachers in the building that morning or that day, and then check to see if our classified staff are out so we can find coverage. It is-- if it's an enrichment day, I head to the gym at 7:30 in the morning to work with girls who participate in volleyball for an hour. If it's not an enrichment day, I participate in any morning student assistant team meetings or IEP meetings. I go straight to the cafeteria at 8:30 and greet and monitor students as they come in for breakfast and to start their day. While I'm in the cafeteria, I visit with the kids about the night before, and I encourage them to do their best and have a great day. At 8:55, I head to the office and take a quick lap around our primary floors to assist any students who need help getting to class. By 9:15, I'm in the office and check and respond to emails. I work with my instructional facilitator to prepare for any upcoming staff or grade level meetings. We also go over and discuss anything that might be unique for that month like kindergarten roundup, school wide assemblies, field trips, etcetera. I also find time to visit classrooms in the morning. It's a great opportunity for me to provide feedback to teachers and students. It's one of my favorite times of the day. I spend close to 2 hours monitoring recess and lunch from about 11:10 to 1:10. Many times, I'll check the kids in to help the cafeteria staff out. I really enjoy this time because I get to see all of our kids. It's a perfect time to talk with kids, find their interests, and continue to build those positive student relationships. While I'm in the cafeteria, I also have time to talk with our head custodian, the teachers that come to pick up their classes, and the cafeteria staff. After lunch, I often help students problem solve

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situations that have occurred during the day, return parent calls, visit with teachers, check email, and attend any number of meetings regarding attendance, curriculum data, discussions, and complete paperwork. At 3:45, kids that I have on my check-in, checkout list come to my office and we go over their point card and discuss their day, help with problem-solving, and any situations. We also celebrate any successes. Dismissal is at 4:05, which I head outside to visit with parents, assist the safety patrol, and make sure all of our students are on their way home. It's usually between 5:30 and 5:45 when I leave for the day. This does not count evenings I stay for PTO events, parent-teacher conferences, and committee meetings. Oh, that red light came quick. I am concerned with the requirement for superintendents and administrators to submit detailed reports after each school year outlining their engagement efforts and policy recommendations. This places an additional administrative burden on staff who are already stretched thin. We are opposed to the School Leadership Engagement Act, as we believe it will make serving our students, teachers, families, and staff more difficult. I appreciate your time and I'm happy to answer any questions.

**MURMAN:** Thank you. Any questions for Ms. Kennedy? Yes, Senator Linehan.

**LINEHAN:** Thank you, Chairman Murman. Do you-- you probably don't have a fiscal note, but it says-- and this is what I find-- I don't understand this. It said that they would have to-- to meet this requirement, they would have to hire 44 new administrators.

**KAYE KENNEDY:** Yeah.

**LINEHAN:** But you just said that you're engaging with people every day.

**KAYE KENNEDY:** Every day, all day.

**LINEHAN:** So why would they say they need 44 more administrators?

**KAYE KENNEDY:** I'm not sure.

**LINEHAN:** OK.

**KAYE KENNEDY:** Maybe it's for people-- I'm not sure. I should not answer that. I don't know.

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

**KAYE KENNEDY:** OK.

**LINEHAN:** --very much for being here.

**KAYE KENNEDY:** Uh-huh. You bet.

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

**ALBRECHT:** Did you have one of the counselors here earlier?

**KAYE KENNEDY:** I did not.

**ALBRECHT:** Because you're doing all their work. Thanks for being here today and for sharing your day with us.

**KAYE KENNEDY:** Yes. Yeah, absolutely.

**CONRAD:** Thank you.

**KAYE KENNEDY:** Uh-huh.

**MURMAN:** Other questions? Thank you very much for testifying.

**KAYE KENNEDY:** OK. Thank you.

**MURMAN:** Other opponents for LB841?

**KYLE MCGOWAN:** Good afternoon, Chairman Murman and members of the Education Committee. My name is Kyle McGowan, K-y-l-e M-c-G-o-w-a-n. Today, I'm representing the Nebraska Council of School Administrators, the Nebraska Rural Community Schools Association, Greater Nebraska Schools Association, Schools Taking Action for Nebraska Children's Education, and the Nebraska State Education Association, the teachers' group. We are opposed to LB841, as we believe it interferes with the local school board's authority, as well as the responsibility of the contract-- contracted leadership of a district to determine the most effective use of the employee's time. The minimum required time of 15% listed within LB841 to be participating directly in school engagement activities isn't an issue. The hours would easily be achieved. However, if the goal is to have administrators working more closely with students and staff, this bill would encourage the opposite, creating more bureaucracy by requiring each administrator to detail and record such time, as well as then writing a summary of 10 components of that time study will take away from the administrator's day, which could have been used with students and staff. Would it be a good use of time for the staff at NDE or the reports also have to be turned into the Education Committee. There will be at least a couple thousand of these reports that hopefully if it's going to be

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submitted, someone will review and read. The stated purpose of LB841, in part, is to promote a deeper understanding and connection. Every administrator has been a teacher. When hiring administrators, school boards and/or superintendents look for teachers who were successful in the classroom, not those that didn't have a deep understanding of pedagogy or the lack of ability to connect with students, staff, and adults. We, we oppose LB841 and I'd be willing to answer any questions.

**MURMAN:** Thank you. Any questions for Mr. McGowan? If not, thank you for testifying. Other opponents for LB841? Good afternoon.

**KATI SETTLES:** Hi there. My name is Kati Settles, K-a-t-i S-e-t-t-l-e-s, and I work as the assistant superintendent of human resources in the Papillion La Vista Community Schools. Senator Murman, members of the Education Committee, thank you for your time. I'm speaking to you as president of the Nebraska Association of School Personnel Administrators, NASPA. My perspective comes from having served a variety of positions in my 24-year career in education. I've been a para, special education teacher, a principal, and a district level human resources leader. This bill would take away local control from what elected school board officials are asked to do, employ a superintendent and supervise that superintendent while he or she oversees administrators as a primary part of their job. I'd like to give you a few examples of what I see administrators doing, including my own superintendent and NASPA members. We have a student advisory council and meet with students regularly. We seek their input not to check any boxes or fulfill a law, but because we can get better by listening to our students. We have liaison lunches in all 21 of our schools every single year, alongside all of our school board members, and we listen intently and engage with students and school staff. Our superintendent teaches Liberty Day lessons to our elementary students. He speaks at every DARE graduation. We attend ROTC ceremonies and career fairs and wax museums. We substitute teach. We don't take many nights off. We're supporting our teams on the field and courts and mats and battle of the books, watching show choir competitions, honor bands, music concerts, and we love that all. We answer emails to families and take early morning and late night calls from staff who need help. And we will keep showing up time and time again for these people because we care. Administrators don't do all of this because we're bored and need something to do. I assure you that as I finished my testimony at 11:15 p.m., having given a solid 16 hours to my job that day. We do this because we love students and we love school staff. Administrators should be doing what they are hired to do, lead efforts for their schools. Processes are in place to address

situations in which administrators are not appropriately engaged with the people that they serve. Yesterday, I attended the Career Education Fair here at UNL, and some of those students are here today. At the career fair, dozens of our alumni who are now education majors, bounded over to say hello and catch up as we chatted about their career goals and student teaching endeavors. I love those days. These students knew us as district administrators when they were in high school, and they know we continue to care about them. Throughout the union, I heard similar squeals of excitement from other administrators as they had similar mini reunions. We love our time spent with students and we don't do it because the law prescribes it. We do it because we care about students and we want to connect with them. NASPA urges the committee to keep control with local school boards, rather than adding legislative oversight to administrators. Thank you again for your willingness to listen to my testimony on behalf of NASPA and I'd be happy to respond to any questions.

**MURMAN:** Thank you. Any questions for Kati Settles? If not, thank you for testifying. Other opponents for LB841?

**CHRIS HUMPHRIES:** Good afternoon, Chairperson Murman and members of the Education Committee. My name is Chris Humphries, C-h-r-i-s H-u-m-p-h-r-i-e-s, and I am principal of Nathan Hale Middle School. I am here today on behalf of Omaha Public Schools in respectful opposition to LB841, which would adopt the School Leadership Engagement Act. I serve 626 students, 37 staff, 32 teachers as the principal of Nathan Hill Middle School. Each morning I arrive to work at 6:30, between 6:30 and 6:45. Upon arrival, I take a quick gander at the grounds and inform my custodial team of any concerns that may need to be addressed before students arrive. I then enter my office and check-- excuse me, check in with my assistant principal to see if there are any coverage needs for classrooms and communicate any classified staff absences so that supervision adjustments can be made. Then, I check my email to see if there's any additional information or shout-outs to be added to the day's announcements and finalize that document. At 7 a.m., we let students into the building and I greet students as they enter the building and report to their designated areas. While supervising students during arrival, I check in with students to see how their days are going. If I notice a student may need extra support, I get them the support that is needed in that moment. Once, once class begins, I circulate to make sure all the students have made it into class. When students arrive late and need breakfast, I escort them to the cafeteria so they can eat. While assisting the students, I greet and check in with my cafeteria staff. By the time I get back to my office, it is 8:00. Then I check my email

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and respond to any parent or teacher emails that I may have missed from the night before or while I was out of my office. After that, I try to get into 1 or 2 classrooms before lunch. While in classrooms, I check-- I look at both what teachers and students are doing. I speak with students to see if they know what is expected of them in the lesson and assist those who may need help. At times, I also participate in the lesson by asking questions and providing input as if I were a student. During the lunch block, I spend an hour supervising the cafeteria or a gym where I talk and build relationships with students. A couple days a week, I spend an entire lunch block in the school store so students can redeem prizes for exhibiting positive behaviors. It also gives me a chance to praise students and give them extra encouragement. After lunch supervision, I try to send feedback to the teachers or classrooms I visited before lunch-- before the end of the day. I also enter data from the forms into the computer for data tracking purposes. Throughout the day, I interact with parents, staff, students who need to speak with me in the moment. I also supervise and interact with students and teachers during the passing periods. Depending on the day, I may participate in instructional team meetings or deliver a Professional Development or PD. I may also cover a class or the student success or positive action centers. I assist with student behavior and address any issues that may arise with staff. At 2:55 I go outside and assist with dismissal where I interact with students and their parents while they pick up students. I remain outside until most students have been picked up and then I go inside. On days when we have home competitions, I go supervise and take pictures of the students for the yearbook. I also peek in on the after school program and see how students are doing and check out the fun activities they get to engage in. Between 3:20 and the time I leave for the day, I try to get to my office to check emails, listen to voicemails, and respond to those that need it. I also take this time to check data, work on the family newsletters, plan for PLC meetings or professional learning community meetings, and complete other administrative tasks such as signing papers, approving time, coding invoices for payment. Just to name a few. I--

**MURMAN:** Excuse me, you do have the red light so if you could--

**CHRIS HUMPHRIES:** Oh, sorry.

**MURMAN:** --wrap up quickly.

**CHRIS HUMPHRIES:** Just a little bit. Sorry. I take care of some of those tasks during the day, but most days I leave around 6 p.m., that doesn't include nights where I have parent-teacher conferences, open

houses, or family nights. While we certainly appreciate the intention behind the bill to foster closer relationships and understanding between those in administrative positions and the teachers and students we serve, as a principal, I can assure you that I already have a keen understanding and appreciation for the needs of almost every student, teacher, staff, and family in my school. There's not a day that goes by, perhaps not even an hour of the school day where I am not interacting with students, teachers, staff, and families. We support promoting engagement and collaboration between school leadership and everyone in the school they support. We already strive to accomplish that goal in our schools every day. We are opposed to the School Leadership Act as we believe it is not further-- it will not further the goal. I appreciate your time and I'd be happy to answer any questions.

**MURMAN:** Thank you. Any questions for Mr. Humphries? If not, thank you for your testimony. Other opponents for LB841?

**COLBY COASH:** Good afternoon, Senator Murman, members of the Education Committee. I'm Colby Coash, C-o-l-b-y C-o-a-s-h. I represent the Association of School Boards. And I want to start off by saying we, we agree. Engagement is a-- is a, a good thing. It's a healthy thing and it's pretty vital. And we hear that from our members all the time. In fact, our organization is frequently engaged to support districts in strategic planning, which has a huge engagement process where they engage stakeholders, community members, teachers, students, administrators, of course, and the community at large. All of that culminates in an engagement exercise which can lead to many of the same outcomes that Senator McKinney is trying to do through LB13-- through LB841. But similar to my previous testimony on LB1322, we do disagree that this is a, a place for mandating a, a percentage or a, a number of hours of staff time. As I testified before, the variance between large and school districts, the number of administrators really varies. And a-- and a one size fits all from our perspective just doesn't seem to make sense to be put into state statute. I would say, from the school board's perspective, as it relates to the superintendent, these types of things can and frequently are part of the contract. So if a-- if a superintendent comes on and this becomes a, a point of contention, something the board wants to see happen, they'll put that into the-- into the superintendent's contract and hold him or her accountable to those provisions. And so we think that's a good place for the concepts addressed in this bill. And we would-- wanted to go on record in that regard. I'll leave it at that.

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**ALBRECHT:** Thank you, Mr. Coash. Do we have any questions from the committee? Seeing none, thanks for being here. Next opponent.

**TOM VENZOR:** Good afternoon, Vice Chair Albrecht and members of the Education Committee. My name is Tom Venzor, T-o-m V-e-n-z-o-r. I'm the executive director of the Nebraska Catholic Conference, which has-- the Catholic Church has about 100-some Catholic schools around the state of Nebraska and we certainly-- and come here in opposition of LB841. Certainly, appreciate some of the ideas contained in the bill. I think some of those ideas certainly should be, you know, good and best practices for how an administrator can be effective. But we don't believe that they're necessary as a matter of law to mandate on nonpublic schools. As I talked with our diocesan school administrators, who are very much in touch with our school administrators on a day-to-day basis, and they said with a great degree of confidence that 100% of their administrators are already meeting the criteria under the bill. They're in touch with their students, with their nonadministrative staff, teachers, parents, etcetera. In fact, I think they joked a little bit and they said they would like if the bill actually mandated that the school administrators spend 15% of their time actually being an administrator because they're so often just caught up in a lot of the daily activities that you've already heard about from some of the public school administrators. Just, they're wearing a lot of different hats and they're taking on a lot of other different things throughout the day. And so they're already fulfilling this in terms of being in touch with their folks and also just the kind of the needless additional paperwork bureaucracy that this creates. If this is about keeping certain school administrators in touch with their schools, if they're certain school districts or some places that are a problem, maybe this bill needs to be more narrowly tailored to that. But this certainly I don't believe is an issue that we are seeing in our nonpublic schools, in our Catholic schools in particular. And so in that sense, the net is definitely way too wide in, in that regard. I would also say that for our administrators, you know, they're accountable already to their parents, you know, to maybe clergy that run that school, if it's a parish school, they also have governing boards, etcetera. These are parents who are already paying tuition to attend that school. And so there's already a lot of accountability in terms of what that administrator is doing on a day-to-day basis and whether they're the person fit for the job and they're-- and they're steering the ship in the right direction. And then finally I would just add, we do have a-- like a-- probably about 10 central school administrators who work for each one of the dioceses, 10 in total across the state and their job

is really to offer that admin to admin support. So this would actually be tough for them because they're the ones who are trying to support their building administrators on a day to day, they're not imposing any top down central administration stuff, but they're trying to help them, you know, stay up to date with rules and regs, provide professional development, etcetera. And so they might actually have a tough time with this because they're just trying to support the building admins at the local level so that we can be effective. And we don't have many of those, but the few that we do have did say that this could be a problem. But on the whole, our building administrators are definitely following this and would find it unnecessary, so. Thank you for your time and consideration.

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

**TOM VENZOR:** Thank you.

**ALBRECHT:** Next opponent. Hi. Welcome.

**TOM LEE:** Good afternoon, Senator Murman, members of the Education Committee. My name is Tom Lee, T-o-m L-e-e, and you will not have to worry about that red light hitting me. [LAUGHTER] I'm currently principal of Westview High School. We've been open for 19 months. Before that, I served as a principal at Omaha Northwest High School. I've served as an administrator in Omaha Public Schools for nearly 18 years. Today, I'm here on behalf of the Omaha Public Schools in respectful opposition to LB841, which would adopt the School Leadership Engagement Act. Westview High School is currently 9-11. We'll be adding seniors for the '24-25 school year. We currently have 1,200 students and will grow another 400-plus students. I currently have 3 assistant principals, 3 curriculum specialists, 2 dean of students, and 1 director of special education, and myself. The 10 of us have a daily focus on the instruction at Westview, but our responsibilities go beyond that already with a staff of 138 members, we make sure that we're delegating our responsibilities for it is important for all of us to have positive daily results for our students. I won't go through all this stuff because my colleagues have already talked about a typical day. For me, high school, 6:45 to 7 a.m. in the morning. I'm doing the same things that they are doing as well: checking emails, greeting staff, greeting guest teachers. I check with the custodial team before going to breakfast to greet students, and then before going to supervise in the hallways until about 8 a.m. From there, I will have parent meetings, meeting with the teacher, meeting with a staff member. I'll meet with my students,

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student leaders, leadership team. My mornings are scheduled to have coaching visits, classroom visits, observations, career academy pathway meetings, academic meetings, advisory board meetings, and community, community partnership meetings. That's just to name a few. That gets me to lunch. After lunch, I'll go back. I'll revisit. I'll do another classroom visit. I'll supervise the hallways. Again, any meetings that might occur during that time, lunch is a 2-hour block, little bit longer, actually, and that ends at about 1:35 where I have the opportunity again to check emails, do whatever until 3:00, where I'll go outside for dismissal and then return at 3:20 to walk the hallways, make sure the students are where they're needed to be. What I'm saying to you is I put in many hours a day, as do my other high school colleagues, and I can say that it is not just Monday through Friday. It is Saturday and sometimes Sunday. Any day-- any typical day can be different, 5 days a week. The work that goes into that day is spent on helping our students to be the best they can be. An involved student is a successful student and we make sure that we spend the time to be involved in our students. When I leave here today, I'll go back. We will have activities after school. I'll go to the basketball game tonight. I'll leave the basketball game, go to the orchestra concert before I go home. That's a long day. But that is what we do because we want what is best for our students. We want to be involved and we want to show them that we care. We also have district leadership that we will see show up at our events and activities that also support the work that we are doing. We are opposed to the School Leadership Engagement Act as we believe it will make serving our students, teachers, and families and staff more difficult.

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

**TOM LEE:** Thank you.

**ALBRECHT:** Right on.

**TOM LEE:** Got that red light. [LAUGHTER]

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

**LINEHAN:** Thank you, Vice Chairman Albrecht. I appreciate you all being here and I, I don't have any doubt that you work really hard, and it's one of the hardest jobs that there is. But I don't understand why-- I'm-- I don't understand the fiscal note from Omaha Public Schools. So this isn't really for you to answer, but it seems to me-- I almost

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feel like Senator McKinney is trying to make a point here. You, you all are spending far more than 15% of your time now.

**TOM LEE:** Yes, ma'am.

**LINEHAN:** So it seems odd that everybody's against it. It's like, what, what is this about really? I don't-- and, and you-- they wouldn't have to hire more administrators because you're all doing it now or most-- I think maybe he's looking for the 1 or 2 that might not be doing the job.

**TOM LEE:** Could be. I think when I look at it and when I read the bill and what I see is it's more for us about having to do a daily reporting or an annual report, which is not necessarily when we are already doing the work. And if it is about district leadership or school leadership not being in the building, then I would have to say that that's a false observation because the work is being done and we are doing everything we can to make sure-- ensure the success of our students and that success goes beyond just school. And that's a whole nother topic. But we are trying to do what is best for our young people. We're putting in the time and we're putting in the, the hours to make sure that our kids have every opportunity to be successful.

**LINEHAN:** Thank you.

**TOM LEE:** Yeah.

**LINEHAN:** Thanks for being here.

**TOM LEE:** Thank you.

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

**TOM LEE:** Thank you.

**ALBRECHT:** --again for coming in today. Any other opponents?

**ALBRECHT:** Welcome.

**LINDA VERMOOTEN:** Thank you. [INAUDIBLE] My name is Linda Vermooten, L-i-n-d-a V-e-r-m-o-o-t-e-n. A lot of what I wanted to say got said by some of the others that were opposed to this. I don't think adding more administrators is going to get at what Senator McKinney appears to be wanting us to accomplish, the inclusion and getting the work done, because it sounds like everybody is doing the work very well. When I'm looking on most budgets on schools in those different school

districts, a large portion of that is going to administration. So adding more money to administration is not necessarily going to trickle down to be more effective in helping the student succeed in the classroom and having more teaching hours available for those students. So I don't think this act is really getting it what he wants and putting another layer of control over the local school boards. I'm very much a proponent of local control, and we do not want to remove that local control from the school boards to make sure that their students in their local schools are being successful. So I don't think he's getting at what he's projected to be arriving at. So I'm opposed to this because it's not going to help those students be more successful. Thank you for your time.

**ALBRECHT:** Thank you very much for your testimony. Any questions? Seeing none, thanks for being here. Any other opponents wishing to speak to LB841? Any other opponents? Seeing none, anyone in a neutral position? Seeing none, Senator McKinney, would you like to come and close? We do have some letter positions that were online: proponents were 3, opponents 5, and zero in neutral. So go ahead and close for us, Senator McKinney.

**McKINNEY:** Thank you. We just saw a showcase of the education establishment coming up here reading off their day and not offering no solutions to solve the problem as to why black kids are not graduating high school, why we have schools in north Omaha with black kids across all grade levels not under 50% of them not on track to graduate. I brought this bill not because I had a false observation of the problem. I work within a problem every week, every day, 365 days throughout the year. It's not a false observation. I work with kids in elementary, middle school, and high school. You got a principal that some parents in my-- in, in, in my community would say represents the worst middle school in the-- in the community. Literally. So, I mean, they could say no, keep saying no. I'll keep bringing bills as long as I'm here to hold them accountable. And that's the truth. It was real interesting that Omaha Public Schools sent principals. Where's the board members at? Where's the interim superintendent who's auditioning to be the superintendent? If he really wants to be the superintendent, why didn't he show up here and make his case to be the superintendent? But he wants to be the superintendent of a school district that has all these issues. But he can't show up to the Legislature to explain how is he going to fix the problem. Where's the-- where's the school board chairman at? He just got reelected. Where's he at? They don't show up. They send principals. This bill wasn't for the principals. It was to try to help the principals. Because I don't think the principals are the problem. It's the people in the TAC building. They

are the problem. It's not the principals. It's not the teachers. That's the issue here. Where else was I going? I don't think this is too burdensome. I mean, why can't you do a report annually about what you experience in schools throughout the school year? Why can't you-- like-- I don't get the you're putting too much work on my plate. I'm already doing this, though, argument. So if it's too much work but you're already doing it, make it make sense to me. Because if you're already doing it, how is it too much work if you're already doing it. So if it's too much work, get up here and say the district that I'm employed by is overworking us and they're forcing us to come up here and testify. Say that. That's the truth. You go talk to teachers and people in schools. They're fed up. So that's why teachers are leaving. But don't come up here and say on one-- on one hand this, this bill is too burdensome, it's going to make us do too much, then say we're already doing this anyway so I don't even understand the merits of this bill. So if you're already doing it, then how is it too burdensome? You got to pick one, and you probably ain't picking the other ones because you're protecting your employer. And I'm just, you know, I'm for the kids. I'm not for any of these associations or any of these school districts. I represent the kids so I don't care. So if you're against the kids, I'm against you. And that's how I feel. And, you know, I wish more people showed up and supported the kids like they show up to fight against diversity and inclusion and tenure. I wish more people came to Lincoln to fight against bills that are harming our kids. This room should have been-- and, and, and it doesn't have to be this bill, but it's been other bills that I feel directly impact black kids that people don't feel there's room for. And that's my fundamental, fundamental problem with a lot of organizations and people in this room today that will be in this room later, tomorrow, whatever. Show up for black kids consistently, don't show up here because you want to keep your job. Black kids are being failed in the school systems and it's because people don't show up when it's needed. And that's why I'm bringing these bills. And I'm going to continue to bring these bills until we decide as a society to end black kids being failed because it's been happening before I was even born and it's not been fixed. And I don't care how many people get up here and say they care, because if they really cared they would be trying to solve the problem and they're not. Thank you.

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

**LINEHAN:** Thank you, Vice Chair Albrecht. So I-- was there-- I'm not-- I think I know your legislative district pretty well, but I might be wrong, was there a school from your legislative district represented today?

**McKINNEY:** Nope. Nobody from my legislative district that I remember.

**LINEHAN:** Thank you. That was what I thought, too.

**McKINNEY:** Yep.

**LINEHAN:** Thank you.

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

**CONRAD:** Thank you so much, Vice Chair. Thank you so much, Senator McKinney. I think your, your idea is important and the committee has tried to work through a lot of different remedies navigating local control with how we interface from a state legislative perspective to figure out some accountability measures when our schools get too top heavy from an administrative perspective. And we've tried to move forward with some parameters for superintendent pay. We've looked at, you know, some other kind of ideas that are out there. And we, we, we keep getting a lot of pushback. And I understand there's legitimate point of views on the other side of that, too. But I do think-- what I hear from folks in my district and, demographically, there's some similarities with our district, some differences, of course, but is they're, they're frustrated because they're seeing the significant salaries being paid out. It's a working-class district, and then they're seeing the disparities in educational outcomes in north Lincoln compared to-- compared to other aspects of our community. So I'm hearing and seeing a lot of that from my constituents in, in Lincoln as well. And, and I know that you and I have talked about these issues and you're, you're, you're trying to, to figure out a, a path forward to infuse more resources in the classroom and into the kids.

**McKINNEY:** And the whole-- to me, local control means nothing to me when I have 30 years of statistics of kids that look like me being undereducated. After 30 years of under educating kids, you shouldn't have the local control argument. You should be asking for help. You should be trying to be innovative and find solutions and you haven't done that and that's the problem. You can keep screaming local control, we could do it, we love the kids. But the kids are being failed and that's the problem.

**CONRAD:** Yeah. Well, thank you, Senator, and thank you for also connecting the dots with some of the other items on our agenda today. You've rightly noted it's a-- it's going to be a busy hearing day for us. And I think it's important that everybody in the hearing room

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heard directly from you on behalf of your community about the historic and persistent disparities in our educational system on the basis of race. And I'm, I'm glad that that's going to be a part of the discussion to, to tee up the bills later today.

**McKINNEY:** For sure, because the kids that I represent won't even be able to make it to those institutions if they're being undereducated, they won't be able to be professors to take advantage of tenure if they're being undereducated. So we got to start at the root so that's why.

**CONRAD:** Yeah. And we can't-- we can't turn away from harsh realities in terms of the historical or present disparities in society. Thank you so much.

**McKINNEY:** Thank you.

**ALBRECHT:** Thank you. Any other questions from the committee? Seeing none, that will close LB841. Thank you, Senator McKinney, for bringing the bill. The next bill up will be LB1064. Senator Lippincott. OK, go ahead and start.

**LIPPINCOTT:** Good afternoon, Chairman Albrecht and Education Committee. My name is Loren Lippincott. That's L-o-r-e-n L-i-p-p-i-n-c-o-t-t, and I'm here representing District number 34. LB1064 removes the authority from the Nebraska Regents to grant tenure going forward. It also includes the governing boards for the Nebraska State College System and the Nebraska Community College System. Tenure is a contractual agreement so this bill would prohibit the ability to grant tenure starting at the bill implementation date and would not remove tenure from anyone who already has it. I do have an amendment that speaks exactly to that, and that amendment reinstates page 6, lines 17 and 18, as due process should still be guaranteed if someone has their tenure revoked after the passing of this bill. Tenure is a unique quirk in the university and educational systems that needs a tune-up. What other job can someone hold that elevates an employee so high that they are basically unable to be fired for means or grounds without a strenuous legal process? This is not something seen in the corporate world, and at the very least is something not seen by our Nebraska University football coaches. We have a university with a budget of \$2.8 billion, and that's as of 2021. Education in total is 38% of our state budget. Tuition goes up around 8% every year, which means every 9 years tuition doubles. This bill seeks to give the Board of Regents more power and definitive metrics for a review process instead of tenure. Now, South Carolina's Canceling Professor Tenure Act bill has

stalled and Iowa's House File 49 has died in January of 2023. However, Texas' State Senate has approved axing tenure, and a North Carolina bill has recently hit the legislative floor. Similarly, Florida and Ohio have bills, respectively, that are steadily moving through the State House and Senate. So this concept, although new, is gaining traction in some states. All of our higher state education systems are funded in some way with taxpayer dollars. So when I hear stories of professors who have tenure brag about how little work they put in or how few hours they show up to teach classes, it is disheartening and leads us to action. We need a better system to hold our tenured professors accountable. That's why more power should be given to the regents and review boards. They should have the keys to let loose the weight of those not helping to carry the load. We're all aware of the state of university systems nationwide, as presidents have been removed from Harvard and other institutions for their handling of protests on campus, while our own University of Nebraska-Lincoln is no stranger to public mishandling. From the student manning a table for Turning Point USA being harassed by 5 women, including some professors and a graduate student, to the university being sued because of the university's Fee Allocation Committee improperly denied a request for \$1,500 to bring a former UNL faculty member who now teaches at the University of Notre Dame to campus to deliver a speech for a Christian organization. But these are just arguments from one side. The goal is not to stifle academic freedom. The goal is to put benchmarks in place and allow for more transparency. The bill asked the regents at the university, the board of trustees at the college system, and the board of community colleges to instead create employee agreements, number one. Number two, acceptable grounds for termination of faculty, which shall include, but not limited to, just cause, program discontinuance, and financial exigency, which is an urgent need or demand. Annual performance evaluations of all faculty. And number four, minimum standards of good practice for faculty members. And lastly, number five, standards for review and discipline of faculty members, and procedures for dismissal for cause, program discontinuance, and for financial reasons. I'll take any questions.

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

**CONRAD:** Hello, Senator. Good to see you again. OK, just making sure that I have a full understanding, and we've got a packed house here so I-- and if you don't know, we can pass it on to some other testifiers or pick it up in your close. But, Senator Lippincott, is-- and you mentioned that there was movement in some of our sister states on this issue. Did you work with any outside or national groups in drafting

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this bill? Is this a model bill from a group that you subscribe to are a part of?

**LIPPINCOTT:** Nope, we did not. As I stated, there are several states that are proceeding in this direction. So it's-- it is something that is taking traction. And, you know, sometimes I wonder if education in general hasn't gotten the roving spotlight put on them after we had the virus in the year 2020 and kids would be homeschooled and so parents were really getting involved with education in general. We all know that. So I like to tell people, you know, when I was campaigning a couple years ago, I knocked on 6,000 doors myself. And by far the number one concern that everybody had was what's going on in our schools? They see some of these things that are being taught that they're in disagreement with and they just see a lot of things in school that they're, first off, unaware of and, number two, in disagreement with. And coming from-- I flew for Delta for 30 years--

**CONRAD:** Yeah.

**LIPPINCOTT:** Yeah.

**CONRAD:** Yeah.

**LIPPINCOTT:** --and every year, every 9 months, we would have to go back to Atlanta, Georgia and spend 2 days in the simulators. And the job was easy but the simulators were tough because 99% of flights go error free. Very vanilla. But you always have to be ready for the day that it does not. And we all knew that. We all knew that that was something that we had to do. So it's called merit. It's called performance. And so I think a lot of professors, you know, in, in all works there's the 10% or the 1% that sometimes they're not pulling their weight. And a lot of these horses plowed the field very straight when they were young and they were earning their tenure, but then those horses end up staying in the barn and just simply eating hay. And I think what we need to do is we need to have a lean educational system. I've met with all the professor-- or not all the professors, but the presidents of the university, we've had some fantastic conversations. They want the same thing I want, and that is the best mousetrap that we can possibly build together. We're trying to make Nebraska and the state schools and the community colleges the best that they can be and have them be lean. And people that are not pulling their weight, they need to be shown the exit sign.

**CONRAD:** Yeah. And that-- thank you, Senator-- and that, that's helpful because I, I wanted to really just kind of drill down to the heart of

the matter and try and figure out exactly what you're trying to address. Are you concerned about what professors are teaching, what professors are saying, or you're concerned about professors who are not teaching or not researching?

**LIPPINCOTT:** No.

**CONRAD:** OK.

**LIPPINCOTT:** As a matter of fact--

**CONRAD:** Help me understand.

**LIPPINCOTT:** Yes.

**CONRAD:** Right.

**LIPPINCOTT:** And I want to be very clear about this.

**CONRAD:** Yes, I think that would be helpful. I-- and I appreciate the candid dialogue.

**LIPPINCOTT:** Absolutely.

**CONRAD:** Yeah.

**LIPPINCOTT:** Schools need to be a place where everyone has the freedom to express their thoughts and ideas--

**CONRAD:** Agree.

**LIPPINCOTT:** --professors and students.

**CONRAD:** Agree.

**LIPPINCOTT:** We have to remember that education is a business. From K-12, it's a business. It is. It's a business. And universities are a business. And what I mean by that is that in a business you have customers. For the university, those customers are the students and their parents. It's true. And so the students need to be able to have freedom of expression--

**CONRAD:** Yes.

**LIPPINCOTT:** --and not be able to be silenced or shut down. And the professors also need to have that freedom, both of them. And I think that what has happened, the pendulum has swung so far into protecting

professors oftentimes, and sometimes they have, for instance, you and me, we don't vote the same, but you're one of my favorite people.

**CONRAD:** Thanks.

**LIPPINCOTT:** So what?

**CONRAD:** Yeah.

**LIPPINCOTT:** I mean, it's-- this is an avenue or an arena of ideas and universities should be the same thing. So when a student has an idea that is in conflict with the professor, it should never, ever be penalized.

**CONRAD:** Yeah, no, that-- that's very helpful, Senator, and, and I extend the same warmth to you in our personal and professional relationship. And I think that's actually how we figure out how to solve problems when people with different perspectives can come together and still stay in a relationship, even when it's tough. But in trying to kind of sort through this, because my understanding in terms of, you know, how the tenure process or system or tool came to be was to provide a layer of protection for exactly that, for academic expression and freedom all across the political spectrum that might be outside of the mainstream or unpopular, really, you know, whether it's a conservative professor or a progressive perspector-- or professor. So I, I guess I'm just looking at it from a different lens. If, if the goal of the legislation is to protect different ideas and all expression and all viewpoints, isn't, isn't that actually what tenure is meant to do? And perhaps if the remedy is to provide accountability for faculty members who aren't doing any work, maybe it's a different remedy instead of elimination of tenure. I'm, I'm just trying to understand a little bit about what the goal exact-- exactly is.

**LIPPINCOTT:** Well, I think I answered that already.

**CONRAD:** OK.

**LIPPINCOTT:** But just, just to--

**CONRAD:** Asked and answered.

**LIPPINCOTT:** --yeah-- to, to restate, because a lot of people have that same-- I've been asked that.

**CONRAD:** Yeah.

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**LIPPINCOTT:** You know, since I introduced this thing, I've gotten lots of calls and all that and [RECORDER MALFUNCTION] Quite a while ago, professors needed that protection. And I think that society and our legal system has moved where professors they're, they're protected. Yes, they are. I think now we need to concentrate on the students and protect them--

**CONRAD:** OK.

**LIPPINCOTT:** --because-- yeah-- because a lot of times kids will say things and they get punished for it.

**CONRAD:** Sure.

**LIPPINCOTT:** And like-- you know, there's, there's arguments on both sides. But when we have individuals that come on campus and they are censored because we don't agree with them, that's not right.

**CONRAD:** I agree.

**LIPPINCOTT:** Yeah, and, and you and I agree with this.

**CONRAD:** 100%.

**LIPPINCOTT:** The First-- the First Amendment is for people that disagree, not agree.

**CONRAD:** Yeah, I know--

**LIPPINCOTT:** It's not the kumbaya, folks.

**CONRAD:** Yeah, unpopular speech.

**LIPPINCOTT:** Absolutely.

**CONRAD:** Yeah, popular speech doesn't get protection.

**LIPPINCOTT:** That's right, and--

**CONRAD:** Yeah.

**LIPPINCOTT:** --I'll just finish up that, that thought with a great quote, and I mentioned this the other day, by George Washington, he said: Truth will ultimately prevail when there are pains taken to bring it to light. And so we want to have an arena of discussion because hopefully the best ideas will float to the top.

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**CONRAD:** Yeah, I, I agree with that. And I think my, my question just to follow up there is, and maybe we are just having such a big conversation here it's hard to, to get really specific. But if the goal of the-- one of your goals with this bill is to protect student expression, how, how does tenure and professional employment do that? Restrictions.

**LIPPINCOTT:** Well, again--

**CONRAD:** I'm just-- I'm not connecting the dots there.

**LIPPINCOTT:** That's OK.

**LIPPINCOTT:** OK.

**CONRAD:** It, it all goes back to a merit performance.

**CONRAD:** OK.

**LIPPINCOTT:** We want everybody to pull their weight.

**CONRAD:** Absolutely.

**LIPPINCOTT:** And I don't want to throw anybody under the bus, but I've, I've had professors come up to me since this whole thing has started and they say keep going. Do it. I say, why do you say that? Because I know some of my peers, other professors, tenured professors, they don't work.

**CONRAD:** OK.

**LIPPINCOTT:** And they're getting paid a full salary.

**CONRAD:** OK.

**LIPPINCOTT:** That's not right.

**CONRAD:** No. Very good. And last-- very last question because I know we have a, a packed house today and thank you for taking the time to, to share additional ideas, Senator. Is-- and I'm sure you've heard about this a lot over on Appropriations because it pops up a lot in that work. But you're, you're probably familiar with a line of cases in Nebraska, kind of under the umbrella term in the Exxon decision where it-- there's a pretty clear legal parameter that we in the State Legislature can't dictate policy--

**LIPPINCOTT:** Yeah, correct.

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**CONRAD:** --to the university system. So I'm, I'm not sure that your measure will be able to pass muster there, but if you had any thoughts or if you have folks that are coming behind that could speak to, you know, some of-- some of the legal issues surrounding this, I think that would be helpful. That, that Exxon kind of line and that separation kind of thread is concerning to me. And then I think there's probably other issues here related to contract due process, First Amendment. And, and it's beyond the scope of a quick Q&A back and forth, but I just wanted to set those on the record and we can keep talking. But I appreciate your time.

**LIPPINCOTT:** Absolutely.

**CONRAD:** Thanks.

**LIPPINCOTT:** Of course, we did propose an amendment--

**CONRAD:** OK.

**LIPPINCOTT:** --which would-- which would strike lines 7 and 8,--

**CONRAD:** OK.

**LIPPINCOTT:** --I believe, on page 6 which does address that.

**CONRAD:** I'll check that. Thank you, Senator.

**LIPPINCOTT:** Thank you.

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

**ALBRECHT:** Thank you, Senator Conrad. Any other questions of the committee? You'll stay to close?

**LIPPINCOTT:** Nope, just-- oh, I will. One additional note: I graduated from the University of Nebraska. I love the Cornhuskers.

**CONRAD:** Yeah.

**LIPPINCOTT:** And I want to make Nebraska number one in academics and, and it's not just the university, but it's our state colleges--

**CONRAD:** Yeah.

**LIPPINCOTT:** --and our community college. I've met with all of them. All of us have and we love Nebraska. We're family here. And so we're

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just-- you know, this is not being vindictive or trying to, you know, anything like that.

**CONRAD:** Right.

**LIPPINCOTT:** We're just trying to build the best possible educational system that we can get here in Nebraska. We love our schools and we love our kids.

**CONRAD:** We do.

**ALBRECHT:** Thank you, Senator Lippincott. Will you stay to close?

**LIPPINCOTT:** I will.

**ALBRECHT:** OK. OK, first up is proponents. And I want to make sure that everybody could hold your comments because it's hard enough for us to hear, but I just need you to stay quiet while everyone's speaking. So the first proponent for LB1064. Thank you.

**COLBY WOODSON:** Hello.

**ALBRECHT:** Hi.

**COLBY WOODSON:** Colby Woodson, C-o-l-b-y W-o-o-d-s-o-n, Lincoln, Nebraska, born and raised. And I guess this is the Education Committee so--

**ALBRECHT:** Yes, it is.

**COLBY WOODSON:** --what was it-- Prescott, Everett, Lefler, Park, Lincoln High. So, yeah, Lincoln-- fellow Lincolnite, maybe. All right, so, I'll make this pretty quick. My motivations might be a little bit different than the author of the bill but I support it. I think it's an important conversation to have regarding the practice of tenure, the institution of tenure. However, you might care to refer to it. You know, times change. And I don't think that it's necessarily what it used to be. It's not the '60s, right? There's not necessarily the same level of political tumult there once was. And, you know, the education system, because those advanced level degrees are very coveted because they're perceived as being very prestigious. A lot of people have pursued them. There are relatively more PhDs today than there used to be. So that's something to take into account. And because of that, you know, I think that those that can attain that tenure track position and maybe, you know, actually get tenure, they tend to come from larger university systems. You know, there, there is within, as

academics like to refer to the literature, a bit of a cast system system within who can get that tenure track position and who can ultimately, you know, actually become a tenured professor doesn't necessarily tend to be people from [INAUDIBLE] universities. You know, not saying that's a good thing or a bad thing, but there, there is a literature about that which is worth knowing about. And, you know, so is it-- anybody that manages to get that, that degree, you know, they're, they're probably extraordinarily bright. It takes a lot of work. I'm not denigrating anybody's scholarship, but is it, you know, is it the best and the brightest that are being favored or is it the most well-connected? I think that's something to think about. And, you know, does, does it shield bad actors? Not formally, but informally, because it's a lot of trouble. Maybe more trouble than it's worth if you have somebody that is maybe penalizing a student for having contrarian or heterodox perspectives that run contrary to their professor, such that it might be well known amongst the colleagues, said professor, that they are maybe not the most-- operating in bad faith. But, you know, is it more trouble than it's worth to you to call them out on it? I, I have seen that happen, perhaps, as a graduate student at the University of Nebraska-Lincoln. Oh, red light.

**ALBRECHT:** Red light.

**COLBY WOODSON:** Am I done?

**ALBRECHT:** You're done.

**COLBY WOODSON:** OK.

**ALBRECHT:** No, no, now don't just jump up. We might have some questions for you. We appreciate your testimony, but we need to ask. Anybody have any questions? Thank you for taking time to be here today. OK. Next proponent. Hi. Welcome.

**CAROLINE EPP:** I am Caroline Epp, C-a-r-o-l-i-n-e E-p-p. I support this tenure bill. We have seen all across our nation the ill effect of professors' jobs being protected no matter what they teach. It was recently displayed when our college campuses erupted with support of those who tortured our friends in Israel. Too many current tenured professors do not teach the truth about our country, that we are the country with the most respect for our citizens, that we were founded on Christian principles which put us far above any other country in the world. We need a huge change of professors who will uphold the greatness of our country. They need true accountability. Thank you.

**ALBRECHT:** Thank you for your testimony. Any questions from the group? Seeing none, thanks for being here today. Again, I'm going to ask you to please keep your comments to yourself right now. If you want to talk, you can leave the room. But we need to give everybody the time they need. Any other proponents wishing to speak to LB1064? We need to get to the room-- into the chair a little bit faster. We'll be here all day.

**LINDA VERMOOTEN:** Good afternoon, Senators, members of the committee. My name is Dr. Linda Vermooten, L-i-n-d-a V-e-r-m-o-o-t-e-n, and I served as a full professor at Grace University for a number of years. It was not a tenure track. I don't know any other profession where there is an exclusion, and we put people in a class and say, well, you have now achieved a level of tenure or you've now achieved this level. There's no more accountability, there's no more evaluation, there's no more seeing are you measuring up? Are the students learning? Are you doing what you're tasked to do in your classrooms at the university? There is no other profession that does that. I think tenure was initially a good thing. I have several colleagues that have talked to me about that and a couple of bragged exactly what Senator Lippincott was saying, that I don't hardly work. I have the, the TAs, I teach the class, the GAs, they take care of that for me. I grade or they help me grade. So the number of hours that they would be putting in, they actually are delegating to someone else and yet getting paid for that. And I don't think that's the best use of the time of a professor. They should be in the classroom teaching, expanding the knowledge that they have gained and the expertise that they have for numerous years. So having worked in mental health for over 25 years, I had little experience in my field that I was teaching. And all throughout that process there was evaluation. What are you teaching? What are your curricula? Can we see the curricula? Can we see the books that you're utilizing? Absolutely. It's an open book. And sometimes when you get into a groove and you just do what you've always done, it doesn't cause you to do the cutting-edge research that you need to do because I'm tenured so I'm secure in my position. And that's why I think that's a really good bill that Senator Lippincott has and not removing tenure from those that have it, but we want to look at reevaluating moving forward, are the professors giving us the expertise in a manner that is going over to the students? Are they staying open-minded where they can dialogue back and forward and they can understand the modern literature that is out there in their fields. And so, therefore, I'm supporting this bill. Thank you.

**ALBRECHT:** Thank you, Dr. Vermooten. Any other questions from our committee? Seeing none, thank you for being here. Can I have the next

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proponent? Seeing none, we'll move to opponents. Are you-- are you an opponent or proponent?

**WILLIAM J. FORBES:** I'm, I'm for the bill.

**ALBRECHT:** OK, then you're a proponent. Go ahead and take the chair. Thank you. You can get started at any time. We got a lot behind you.

**WILLIAM J. FORBES:** Well, I really didn't come prepared. I didn't realize this bill was going to be up, but. My, my name is William J. Forbes, W-i-l-l-i-a-m J. F-o-r-b-e-s, and I've seen across a number of college campuses in the United States and I did-- how conservative voices have been stifled and not allowed to express themselves. I did happen to see it one time at the University of Nebraska. There were a group of students that had an information table with a number of literature on it-- with a number of literature on it concerning Turning Point USA and this ended up being on TV, I believe. It was a college professor-- university college professor that came up and knocked the table over, spewing all of the literature on the concrete and then belittling the students. And I don't know whether I saw it on TV where I was at. I do know that as a result of that I was upset. And this was probably decades ago. It was a long time ago. But I was so upset that I called the president of the University of Nebraska and I was astonished at how-- what a gentleman he was when I had expressed my disagreement with what happened. And, again, I can't-- I don't know who the president was at that time. This happened so long ago. I, I just know that that was my memory. However, I have seen across the United States in several instances-- several situations where conservative speakers have been quieted, shut up, even by other students where they weren't allowed-- their life was in danger where they couldn't speak. And so I think this bill is extremely important for the protection of students. Now as Senator Lippincott was saying, we need to protect these students and their right to free speech and to speak where their minds are rather than those professors trying to perpetrate their point of view on those students and those students not having any kind of recoil. Thank you.

**ALBRECHT:** Thank you, Mr. Forbes, for your testimony. Anyone have any questions? Thank you. Do we have any other proponents? Is-- any other proponents? Seeing none, we'll start with opponents to the bill. Welcome.

**CHRIS KABOUREK:** Good afternoon, Vice Chairman Albrecht, members of the committee. It's good to see you again. I am Chris Kabourek, C-h-r-i-s K-a-b-o-u-r-e-k, and I have the extreme honor to serve as the interim

president of the University of Nebraska. I want to share with you why the university is opposed to LB1064. It's very simple. Eliminating tenure would tie both hands behind our back at the very time our university is setting high aspirations to go compete with the best of the best across the country. My job as president is to make sure the university has the right tools to help us compete. We need tenure in our toolbox. Without it, we would be at a grave competitive disadvantage in trying to recruit and retain the world-class cancer doctors, ag faculty, and all the other professors and scientists who serve our students and state each and every day. No other Big Ten university is without tenure. Nebraska can't afford-- we can't afford to become a club of one. I am a strong supporter of tenure and academic freedom, but as a lifelong Nebraskan, I also am a strong supporter of Nebraska common sense. I do not support lifetime job guarantees, but I can tell you earning tenure is not an easy feat. It takes years of work and a proven record in scholarly performance and productivity. And that's good news for Nebraska, because as I learned growing up in David City nothing is given. You have to earn your opportunities and then you must perform and produce each and every day. Senator Lippincott has been more than gracious to meet with me several times and we've had wonderful conversations. And I told you he has opened an important dialogue about rigor and accountability. By having worked at the university for 27 years, I do believe a majority of our faculty and staff are doing amazing work with our students each and every day. It's not an accident that Nebraska is known as a world leader in agriculture, medicine, and national defense. That being said, I want to aim higher, maybe it's the coach in me, but I'm convinced the University of Nebraska is not yet competing to our full potential. We all need to step up our game to compete with the Big Ten, and we are having robust conversations with our elected Board of Regents about how to do that. I have great confidence in the board's authority and leadership in holding our teams accountable. There's no doubt in my mind that Senator Lippincott, myself, our board, and most Nebraskans are aligned around a simple goal for the university: go compete each and every day to be the best we can possibly be. I think we can find ways to raise the bar while still preserving tenure, a valuable tool offered by every other university whose company we want to keep. On behalf of our 50,000 students, I want to thank each of you for what you do each and every day for our state and what you do for the University. I'd be happy to answer any questions.

**ALBRECHT:** Thank you, President Kabourek. Do we have any questions from the committee? Seeing none, thank you for your testimony and for being here today.

**CHRIS KABOUREK:** Thank you.

**ALBRECHT:** Do you have any other opponents wishing to speak?

**JESS LAMMERS:** Yes. Thank you for giving me the floor, sir. Oh, no, I need the bottom one. You want the top one. Thank you. Jess Lammers, J-e-s-s L-a-m-m-e-r-s. Tenure must be protected at all cost and it cannot be canceled. Tenure is what allows free speech. Some of the best discourse I had on University of Nebraska campuses were with tenured professors: Tom Martin, Gene Fendt. Philosophy was recently canceled at UNK by Chancellor Kristensen. Big mistake in my opinion. If you cancel tenure, you cancel people's ability to think outside the box without fear of repercussion. And repercussion generally comes from the government in the form of state patrolmen with guns. That's what happened to me April 30 of 2020 for exercising my First Amendment right to redress of grievances against the government. The Attorney General of Nebraska sent 5 state patrolmen without body cameras to beat the shit out of me, and they did that. That goes right into tenure. Tenure must be preserved because our constitution must be preserved, and our areas of higher learning must be free from the burden of being afraid to offend. Citing Patrick Henry's speech: Give me liberty or give me death. The 5 sentences before give me liberty or give me death were probably holistically more important, because that is the bane of free speech is, is being able to speak your mind, being able to offend without fear of violent repercussion, that should be saved for war. That's what the Second Amendment is for in case the First Amendment fails. I would yield any time I have left to the committee and accept questions or comments.

**ALBRECHT:** Thank you, Mr. Lammers. Any questions from the committee? Thanks for being here. Next opponent.

**CHRISTOPHER EXSTROM:** Vice Chair Albrecht, esteemed members of the Education Committee. My name is Christopher Exstrom, C-h-r-i-s-t-o-p-h-e-r E-x-s-t-r-o-m. I'm a professor of chemistry and have the pleasure to serve as the current faculty senate president at the University of Nebraska at Kearney. I'm here today to provide testimony in opposition to LB1064 on behalf of the University of Nebraska Faculty Senates, representing the collective voices of the faculty at the university campuses at Kearney, Lincoln, Medical Center, and Omaha. Tenure, or the potential to obtain tenure stands as a cornerstone of academic employment in higher education. I obtained tenure in the year 2000 at UNK, and I recently ran across my tenure application, a 6-inch binder filled with documentation on several years of teaching materials and evaluations, research grants,

publications, and their impact on my students' education, as well as numerous service activities for my department, university, and community. When I was awarded tenure, I considered that my pinnacle professional achievement. What I would soon learn is that tenure provides incredible ongoing motivation. In short, I invest in the long-term success of my university because my university made a long-term investment in me. My experience is not unique, and I want to emphasize that the tenure process is not a rubber stamp. It is rigorous and comprehensive, involving multiple levels of review and assessment over a significant number of years. Failure to attain tenure can have profound consequences for an academic's career trajectory, much akin to a military officer's failed promotion, seriously impacting future opportunities. After being awarded tenure, faculty continue to undergo regular evaluations to maintain their standing and ensure continued excellence and accountability throughout their careers. The University of Nebraska has robust mechanisms in place for faculty accountability, including post-tenure reviews and annual assessments. I appreciate the opportunity that this bill has presented to share with you more about this process, the role that tenure plays in attracting and retaining top talent, and its role in complementing our faculty's ability to compete on a national and global scale. At the end of the day, tenure has a grounding effect on a faculty member. It solidifies position, but also their commitment to their institution and that community. I have built my life in Kearney and I am proud to work hard day in and day out to serve our students and all Nebraskans and tenure plays a role in that. I would urge the committee to not advance this bill and I would be happy to answer any questions you have. Thank you.

**ALBRECHT:** Thank you, Mr. Exstrom. Any questions from the committee? Yes, Senator Conrad.

**CONRAD:** Thank you, Vice Chair Albrecht. Thank you so much for being here. And since you're on the front lines with a lot of our talented faculty all across Nebraska, I, I just wanted to thank you for raising their voices collectively here today. And then I, I wanted to give you a chance to respond to something that I'm hearing a lot from faculty members in my district, and I represent north Lincoln so I have a, a lot of people who work in higher education and they-- they're really concerned about this measure. And I was hoping that maybe you could help the committee maybe get an understanding about this because I, I do think I understand what Senator Lippincott is trying to do, I believe, I, I think it-- perhaps this is not the best remedy to go about it and, as written, it probably has a, a lot of legal and policy challenges contained within it. But what I'm, perhaps, even more

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concerned about is when measures like this are a big part of the news cycle and a big part of our public dialogue. It has a chilling impact on our ability to recruit and retain top talent for both students and faculty whether or not it's passed or not even. And not that we should shy away from new ideas or controversial ideas in the legislative arena or in academia, but could you just help the committee, perhaps, understand kind of some of the dialogue that you've been hearing from, from your peers just about how the, the introduction may, may impact kind of their desire to stay and, and to, to teach in Nebraska, perhaps?

**CHRISTOPHER EXSTROM:** Thank you, Senator Conrad, for that question. There has been a great deal of concern from the faculty on my campus at Kearney as well, as throughout the system. And it, it-- a move like this can have a chilling effect. I believe, personally, it's good to have this discussion in this fashion rather than having everything take place on social media.

**CONRAD:** Yes.

**CHRISTOPHER EXSTROM:** And so I definitely appreciate that. And it's-- so it's been a sensitive conversation, but I think it's been a good conversation and I think there is a lot of truth. You know, President Kabourek said a lot about without tenure we really would be handicapped in terms of attracting and retaining talent. And it's-- you know, speaking for myself, you know, I would not have applied for my faculty position at UNK had it not been tenure track.

**CONRAD:** Sure.

**CHRISTOPHER EXSTROM:** And I think, for me, part of the motivation that I've talked about is that tenure is an important component, given that education is a long-term endeavor and the innovation-- anything we propose to innovate, teaching or research, takes a number of years to realize and it-- that-- that's extremely important. And I think that a degree of stability for that purpose is important for our faculty and I've been hearing a lot about that.

**CONRAD:** Yeah. And I, I know that our committee, in particular, has heard from professors at UNK, for example, who have been very outspoken in their perspective in their research regarding really sensitive topics in this Legislature and in our public dialogue that maybe don't always conform with the mainstream. And I, I just want it to be clear for everyone that these issues, like tenure, protect everyone at each point in the political spectrum, not-- they don't

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work just one way to protect people who may hold progressive viewpoints or conservative viewpoints or, what have you, but it's meant to protect academic freedom and research so that we can have hard conversations and we can ask big questions and new ideas and pursue unpopular perspectives. Can you-- can you just help, maybe, the committee or the broader public understand, you know, the robust diversity that exists within the ranks of, of faculty members that you talk with?

**CHRISTOPHER EXSTROM:** They-- you're right. Thank you, Senator. I do appreciate that and that is definitely true that tenure definitely does provide a layer of protection for the study in academic fields that allows for the diversity and the time, I'll--

**CONRAD:** Yeah.

**CHRISTOPHER EXSTROM:** --say again, too, in order for experts in their fields to work out important questions.

**CONRAD:** Yeah. And so then my very, very last question here because I know we have a packed house, but you got a front line to the folks that this is really impacting so I appreciate you helping us understand it. To Senator Lippincott's point, which I think we all want to be thoughtful about, if there are rare instances where a faculty member is not teaching, is not researching, is not doing their job, what are the existing mechanisms to, to address that? And are there existing mechanisms? I think-- I think there are. I don't know what they are exactly off the top of my head, so. Yeah.

**CHRISTOPHER EXSTROM:** There are and I can speak directly to those on my campus--

**CONRAD:** OK.

**CHRISTOPHER EXSTROM:** --but they're similar, similar across all the campuses. But the faculty members at UNK are reviewed every year,--

**CONRAD:** OK.

**CHRISTOPHER EXSTROM:** --tenure or not, and are evaluated on their level in progress in teaching, in research or creative activity, and service.

**CONRAD:** OK.

**CHRISTOPHER EXSTROM:** And there are steps if performance is unsatisfactory after 2 to 3 years, there are steps that trigger a post-tenure review process which we have on our campuses.

**CONRAD:** OK.

**CHRISTOPHER EXSTROM:** And then--

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

**ALBRECHT:** Thank you, Senator Conrad. Thank you for being here and answering questions--

**CHRISTOPHER EXSTROM:** Yeah, thank you.

**ALBRECHT:** --and for your testimony. Next opponent. Good afternoon.

**JOHN BENDER:** Good afternoon, my name's John Bender, J-o-h-n B-e-n-d-e-r. I am here testifying on behalf of the Academic Freedom Coalition of Nebraska. AFCON comprises a number of Nebraska organizations and individuals interested in academic and intellectual freedom. I also want to note that I was a member of the faculty of UNL for 32 years. The last 2 years I was associate dean of the College of Journalism and Mass Communications. In addition, during my time as a faculty member, I served on the Academic Rights and Responsibilities Committee, the Senate Executive Committee, and the Academic Planning Committee. As a result of that, I became familiar with a number of instances where faculty members who had tenure were discharged. They were-- they were-- their tenure was removed and they were fired as a result of a variety of things. These are things that are personnel matters and so I'm not sure that I'm aware of all of them because they are confidential but I know of a couple, specifically. I know of a number of other instances where people have been denied tenure. Tenure is not a cynosure. It's not a, a guarantee that you are going to be able to collect a check and not have to do any work. As the previous testifier said, there is an annual review process. This is required by the university. One of the things that I, I find kind of ironic of this is that the things that, that are set forth as, as policies that should be created, they're already in existence. Chapter III of the Regents Bylaws date details the conditions of employment for all employees, including faculty. Chapter IV of the Regents Bylaws, sets forth the rights and responsibilities of faculty, including grounds for and procedures for termination of faculty. Those things are incorporated into the contract every faculty member signs. When I sign my letter of acceptance, I was agreeing to abide by the bylaws. And

the review process, I can tell you, is very detailed. It's not just for nontenure faculty or for faculty on tenure track, it is for fully tenured, fully promoted faculty every year. I participated in those reviews as an associate dean. They present a substantial amount of material. I go over it, the dean goes over it, and then we have a long conversation with every faculty member about what they're doing, what they could do, what they're not doing and should do. There is accountability in the system already. Thank you.

**ALBRECHT:** Thank you for stopping at the red light. Do we have any other questions? That's good. You know, just real quick on the back here. I think it's, it's important to note this-- well, I guess we like the third paragraph. When you speak of tenure is central to the preservation of academic freedom. The, the abolition of tenure would throttle research and teaching in Nebraska universities and colleges. Top faculty and students will go elsewhere to teach and learn. And all the Nebraskans would suffer as economic and cultural opportunities dwindle. And I, I really appreciate the-- you know, I guess I-- when I look at a lot of these bills and this is my eighth year, but it's not quite as long as you've been around teaching and helping students and what such. But when I think of a room packed like this and you're able to come and talk about what you really do, which helps all of us because we're not in the same situation that you are every day. But to know that there are checks and balances,--

**JOHN BENDER:** Yes.

**ALBRECHT:** --I think that the public needs to know that. I think that it's important for the parents who spend the money to send their children there or if they get, you know, a scholarship. Those who are providing those scholarships want to know that things are what they need to be, you know, on that particular university campus. So this is not for not, it might take a while. We might be here tomorrow talking about it as well. But, but just know that we are hearing what you're saying and we are also understanding where Senator Lippincott may very well be coming from.

**JOHN BENDER:** Yes. Yes.

**ALBRECHT:** But, again, I think we're all better for this conversation today and I appreciate your testimony today.

**JOHN BENDER:** And if I, I could?

**ALBRECHT:** Please do.

**JOHN BENDER:** I'd just say, you know, I appreciate, what, what Senator Lippincott said about not wanting to stifle freedom, but to set benchmarks, and benchmarks are a good thing. I think we have them already. My concern would be that if you take away tenure, that's going to open the door somewhere down the road to somebody trying to punish faculty members or a faculty member for what they're doing in their research, for what they're teaching in their classes, not because they're doing something wrong, but because they don't like the content and I think that danger is there.

**ALBRECHT:** Understood. Thank you so much for being here. We'll take the next opponent. Do you know what we could do so everybody doesn't get uncomfortable? We'll take somebody from this side and then we'll go to that side. So if you want to just stand at the corner when it's time, then we'll just be able to move this right along, so. Good afternoon, thanks for being here.

**ELIZABETH LEWIS:** Good afternoon. My name is Dr. Elizabeth Lewis, L-e-i-z-a-b-e-t-h [SIC], Lewis, L-e-w-i-s, professor of education and teacher educator and researcher with lots of grants. Today, I'm speaking as the secretary for the Lincoln Chapter of the American Association of University Professors. We oppose this bill, and we urge your support for the preservation and continuation of tenure for higher education faculty members across our state. Tenure, a cornerstone of academic freedom is not-- is not merely a privilege for professors, it is a fundamental safeguard for the integrity of higher education and the pursuit of knowledge. There are four compelling economic and social reasons that appeal to your constituents and illuminate why tenure is indispensable, especially for the vitality of our universities and societal advancement. These are: a robust economy, statewide retention of young Nebraskans, attracting new talent to the state, and the public good. Saving tenure promotes innovation and innovative thinking. This equals a robust economy. Tenure provides faculty members with the necessary protection to pursue controversial or unconventional lines of inquiry without fear of reprisal. It fosters an environment where scholars can explore new ideas and contribute to the intellectual diversity essential for a vibrant academic community. Number two, high-quality education and professional development equals improved statewide retention of young Nebraskans. We suffer a great brain drain in the state. Tenure allows universities to attract and retain top talent by offering job security and professional autonomy. It ensures that experienced and accomplished faculty members remain in academia, enriching educational experiences for students through their expertise, mentorship, and dedication to teaching. Number three, a positive workplace environment

signals desirable employers who can attract talented and diverse people to work in Nebraska. Tenure safeguards faculty members from arbitrary termination based on factors unrelated to their academic performance or professional conduct. This protection is especially critical in disciplines where research findings may challenge powerful interests or societal norms. And lastly, protecting critical thinking equals better problem-solving of statewide problems like discrimination, drought, unequal distribution of state resources, and persistent childhood poverty. The public good should be at the foremost of our minds and tenure serves to protect the public interest by ensuring that universities remain independent centers of knowledge production, dissemination, and service to others. By shielding scholars from external influences, tenure helps safeguard the integrity of academic research and teaching, preserving the credibility and trustworthiness of higher education institutions. In conclusion, the institution of tenure is not a privilege for individual faculty members, but a vital safeguard for the principles of academic freedom, educational quality, and the public good. By supporting tenure, you uphold the values of intellectual inquiry, free expression, and democratic governance that are essential to the advancement of our society. Thank you for considering this critical issue that affects all your constituents' right to a robust education and a good life. We strongly urge you to reject this bill to protect and uphold the tenure rights of all Nebraska's higher education faculty members.

**MURMAN:** Thank you. Do we have any questions? If not, thank you for your testimony. Other opponents for LB1064?

**PAUL TURMAN:** Good afternoon, Chair, Chair Murman and members of the Education Committee. My name is Paul Turman. That's P-a-u-l T-u-r-m-a-n. I'm the chancellor of the Nebraska State College System. I'm here today in opposition to LB1064 because of the adverse impact it might have on our ability to recruit and retain faculty in the Nebraska State College System. Senator Lippincott has outlined a couple of things today and certainly some issues that he has with the, the concept of tenure. I've had the opportunity to visit at length, as well, with Senator Lippincott about the issues that he has. Provided him considerable detail on the way in which our performance evaluation process works for, for faculty on the tenure or nontenure track. And it's quite clear, similar to the testimony that you've also heard, is that every faculty member in our system is-- goes through a performance review each year. I'd like to emphasize that we do not believe that granting tenure precludes our presidents and/or administration from the ability to hold faculty to a high level of

accountability for the performance that they have. Tenure in the state colleges is, is very different than what you see with the university system. Interim President Kabourek talked about the distinction that you have when you're at a, a top tier, Big Ten research one institution. When it comes to tenure in the Nebraska State College system, we hold our faculty accountable primarily for their ability to teach and mentor the students that we-- that we have. Not achieving that means that they no longer would be employed with our system. Tenure is extremely important for our ability to retain and recruit faculty, especially to rural areas of the state of Nebraska. The state colleges continually go out and try to recruit. And we have extremely talented faculty focused on teaching, focused on learning for our students. Some of them very much are top tier in, in their discipline and do great work across the country. But the expectation is they are here to serve our students and serve the region in which they're in. Unfortunately, we compete for on a national level for talent as well. So our ability to go out and be able to attract high-quality faculty to serve the students in our region is dependent on our ability to utilize tenure as a function to serve that. Last year, we had roughly about 40 different faculty positions that were open. When you look at the total number of applicants that we had on average for those positions, the number was four. Four applicants for the vacant positions that we have in our system, taking away tenure makes it extremely difficult for us to be able to compete and, and attract those and serve the region and the students that we have. In my own experience with tenure, I'll note that when I finished my PhD program roughly about 20 years ago, had the opportunity to go to University of Northern Iowa. And it was a commitment between myself and that institution that I would move my family there, that I would every year do exactly what was necessary to continue to maintain that position. Shortly after that, after achieving tenure, I, I had the opportunity to take an administrative position with the South Dakota Board of Regents. I, I lost that tenure. But also with that came the additional compensation that I think you, oftentimes, see with people who are not in the teaching tracks. So overall, I think it's extremely important. My board of trustees, the college presidents, and I believe that tenure is really essential. It's, it's critical to be able to maintain the high level of quality that we have for our teaching mission here in this state. Our ability to recruit and retain outstanding faculty will be hampered. Certainly challenged if we had-- no longer have this opportunity for our new faculty under the amendment that the senator had. Because of that, I'd respectfully ask that you not advance LB1064 out of committee and I'd be happy to answer any questions you all might have.

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**MURMAN:** Thank you. Any questions for Mr. Turman? If not, thank you for testifying.

**PAUL TURMAN:** Thank you.

**MURMAN:** Other opponents for LB1064?

**JOSEPHINE LITWINOWICZ:** Before my light comes on, please, I would just-- I would just wish we could do something about making a grand entrance like that. You know, it doesn't feel good "dignitywise." And if we could all get a microphone, too. I'm sitting in front before every meeting now because I've learned about some things and how you get them done. If we can have a microphone, for example, so we could speak with dignity instead of being hunched over and, you know, just-- at least for my position.

**MURMAN:** We'll definitely try and do that.

**JOSEPHINE LITWINOWICZ:** Yeah, I'm making, making a collage in case I need it of all the snippets where I asked. You know, I just don't know what to do. Anyway.

**MURMAN:** Sorry about that. We'll try and--

**JOSEPHINE LITWINOWICZ:** No, no, that's not--

**MURMAN:** --see what we can do for-- about that.

**JOSEPHINE LITWINOWICZ:** I work with Bob Ripley really well, but anyway, if we could start the clock, it'd be nice.

**MURMAN:** Yeah.

**JOSEPHINE LITWINOWICZ:** My name is Josephine-- oh, hello, Chairman Murman and members of the port side of the crew. My name is Josephine Litwinowicz, J-o-s-e-p-h-i-n-e L-i-t-w-i-n-o-w-i-c-z. I guess that would be stage left instead. But I-- you know, I, I went to universities where nobody slacked. And so-- but, you know, you're always going to have some deadbeats and, and with these-- for the practical reasons that the previous speaker mentioned about keeping tenure, you're always going to have the [INAUDIBLE] deadbeats, you know, the kinds-- it's just-- it's like you always have a segment of society, you know, but I think the, the, the detriment of, of getting rid of tenure far exceeds that of, of removing it. I don't know, that's just my opinion from what I've seen. I've had a lot of-- I've been in a lot of schools and, and so I just think that's-- I'm very--

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I didn't realize how strong I, I felt about it, but. And that's it because that-- that's just my viewpoint as I was thinking, you know, you're always going to have somebody that doesn't work-- you're going to have-- anyway. Thanks.

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

**JOSEPHINE LITWINOWICZ:** Thank you.

**MURMAN:** If not, thank you very much. Any other opponents for LB1064? Good afternoon.

**LUKE McDERMOTT:** Good afternoon, Senators, my name is Luke McDermott, spelled L-u-k-e M-c-D-e-r-m-o-t-t, and I'm the chairman of the Government Liaison committee for the Association of Students of the University of Nebraska-Lincoln. As for ASUN Senate Bill number 23, I've been authorized to testify against LB1064 on behalf of the UNL student body. Tenure is a sought-after distinction that typically takes even the most talented researchers 5 to 6 years to obtain. The process involves a rigorous examination of job performance, research output, and service to the university. Professors, after usually more than a decade of university education, research, and teaching are required to prove to their peers that their work is worth tenure protection. It's not an easy bar to reach. I won't bore you again with some of the safeguards that have been mentioned by other university actors, but I will contextualize that, in fact, in the last year, the University of Nebraska-Lincoln has removed two tenured professors. The consequences of removing academic tenure at both the university and state level are numerous. It would have a detrimental effect on attracting competitive faculty, state research output, undergraduate recruitment, and the economic viability of the state. Tenure promotes stability in both the professional academic sphere. And the competitive industry that is academia, assurance of security is attractive to talented faculty when deciding where they should teach and perform their research. Additionally, the freedom to pursue research a professor believes is important is paramount to the profession's demands. Without these protections, no professor seeking long-term employment in academia will choose to go to Nebraska colleges and universities. The Nebraska State College System has been quoted as saying that tenure is invaluable to recruiting and retaining high-caliber faculty in rural areas. We will be the last choice for the academic job market. As is foundational to the ideals of the United States of America, innovation is best cultivated in a free market of ideas. Tenure is essential to protecting free speech rights and the innovative edge necessary to research activities of many

disciplines. Examples of research vital to the state of Nebraska which require this protection include, but are not limited to, research on genetically modified foods, healthcare solutions for growing elderly populations, and the economic analysis of property tax relief. The two previously stated impacts have an immediate impact on the student population. Without the ability to attract competitive faculty or perform innovative research, the university status as a respected R1 institution will surely be revoked. In such an instance, there will not be a, a competitive student, graduate or undergraduate, willing to come to the university. With new scholarship programs to keep high-performing students in Nebraska, the government has shown its desire to combat the state's brain drain. Removing academic tenure would have an opposite and dramatic effect. A recent economic analysis found that activities at the University of Nebraska grow the state's economy by \$5.8 billion every year, and that the NU system generates \$9 for every \$1 that the state invests. The university's return on investment is clear, and the devastation of its productive capacity through the removal of tenure will objectively and numerically make Nebraska worse off. In conclusion, I hope that you hear my points and the student perspective resonates with you. I'm worried about my own academic future if tenure is removed from colleges and universities. And when I think about the time that I spent at UNL, I know that it wouldn't be the same without the support of talented professors. On behalf of the UNL student body, I thank you for your time and urge you to vote no on LB1064.

**MURMAN:** Any questions for Mr. McDermott? If not, I appreciate your testimony. When I was a student decades ago, I read the Daily Nebraskan regularly and followed ASUN very closely so I appreciate your testimony. Any other opponents for LB1064?

**LAURA GRAMS:** Hello, everyone and thank you. I am a little nervous because my colleague from Kearney said that his tenure binder was 6 inches and mine I think was not that large, maybe 4, I'm not sure, maybe 5, let's go with 5. My name is Laura Grams, L-a-u-r-a G-r-a-m-s, and I am the current president of the UNO Chapter of the American Association of University Professors. I'm here to testify on behalf of this group in opposition to LB1064, but I am not here to speak on behalf of the university. These comments do not represent my employer. LB1064 will damage the University of Nebraska's ability to attract and retain quality faculty. The work of faculty powers the economic engine of the university by bringing in research funding, fostering innovation and business development, and preparing much of the state's workforce. We already face significant competition from other institutions when trying to recruit faculty, and we do not want to

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give anyone an incentive to leave. Other states have traveled this road. For example, Wisconsin legislated against tenure in 2015, quickly realized its mistake. According to the former Wisconsin Chancellor Blank, by 2017, just in that short span of time, 1 in 5 faculty already had received an external offer of employment. I know my own institution benefited from that at least once, and the university had to significantly increase faculty salaries in order to remain competitive. We cannot afford to go down that path. Tenure for most faculty is a much more desirable job than even a job that pays more without it. And this is because, as you've heard, tenure requires a rigorous and long process of professional review. Unlike some of my colleagues at other institutions who only have a third- and sixth-year review before their tenure, UNO faculty are formally reviewed twice a year for reappointment and again for annual review. My own happens Friday, and this happens before we are voted on for tenure. After tenure, all the faculty are still held accountable by an official annual review, performance evaluation, and adding another costly layer of red tape upon this makes the university a less desirable place to work and distracts faculty from their important task of teaching the students and doing the research. Faculty are passionate about our work. We care very much about our students and their futures, and we want to do our best for them. We want the University of Nebraska to remain competitive and prestigious. We are held to very high standards, and we wish to be so that we can continue to deliver the best results for our students and for the state. LB1064 hinders that effort and we're concerned about damage to the university's productivity and reputation, as well as the economic impact. As a faculty member, but also as a lifelong Nebraska citizen and as a mother of a UNO student, I believe that Nebraska deserves the best university. I very much agree with Senator Lippincott about that and I want to work together with you to help make that happen. Thank you.

**MURMAN:** Thank you. Any questions for Ms. Grams? If not, thank you for testifying. Other opponents for LB1064?

**WILL AVILES:** Good afternoon, members of the Education Committee. My name is Will Aviles, W-i-l-l A-v-i-l-e-s. I'm a professor of political science at UNK. I'm president of the University Nebraska at Kearney's education association, which is affiliated with the Nebraska State Education Association. I'm here today to ask for you to vote against LB1064. I think you should vote against it for the following reasons. First, the bill supporters claim that it will advance the use of merit in assessing the work of faculty, something that supposedly is absent in higher education. But as my colleagues have stated, and I'm going to restate again, merit exists throughout higher education. First, for

anyone to get tenure, they must meet an array of benchmarks demonstrating their excellence in teaching, research, and their service to the university over a multiyear period. There's nothing automatic about receiving tenure, different faculty committees, members of upper administration must assess an applicant's record before it's determined that they can receive tenure. We are continually assessed even with tenure. For example, faculty are reviewed every semester by their students through student evaluations-- teaching evaluations to assess our teaching. If there's a cause for concern, we meet with the chairs or departments and figure out how best to improve our performance the next time we get-- before we get back into the classroom. At UNK, if the dean of a college believes that we have not performed satisfactorily in a given year, they can deny us from receiving our raise. And finally, as my colleagues have mentioned already, faculty can be fired through a post-tenure review process if a supervisor has identified a substantial deficiency in their work. Second, the removal of tenure would simply do grave damage to our ability to retain quality faculty in Nebraska or recruit them to begin their careers in our state. Faculty salaries have been stagnant for well over a decade across the country and, unfortunately, here in the state of Nebraska. Tenure is viewed by many individuals pursuing PhDs and faculty currently working in higher education as a central part of our compensation, especially in light of year after year of stagnant raises or no raises at times. We simply cannot compete with other universities in the United States if tenure is removed from Nebraska. Third, tenure is vital to protecting free speech and creating an intellectual environment conducive to pursuing an array of pedagogical and scholarly endeavors without fear of retaliation or political intervention. This protects not only those radical leftist professors which, ostensibly, I guess are dominating our campuses, they're not, but also the many conservative professors on our campuses, whether they're advancing causes, for example, to strengthen protections for transgender athletes or actively seeking to prevent them from participating in sports. Tenure ensures that free speech of all our faculty is protected. In the end, faculty in universities in Nebraska are regularly evaluated and assessed. The ending of tenure would substantially damage our ability to retain and recruit quality faculty and the elimination of tenure risks narrowing the extent of free inquiry and debate on our college campuses. I urge you, please, to vote against LB1064. Thank you.

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

**WILL AVILES:** All right. Thank you.

**MURMAN:** Other opponents for LB1064?

**ALEXANDER VAZANSKY:** Senators, my name is Alexander Vazansky, spelled A-l-e-x-a-n-d-e-r V-a-z-a-n-s-k-y. I'm an associate professor of history here in Lincoln, but speaking as a member of the Lincoln Chapter of the American Association of University Professors, and I urge you to not advance LB1064. In teaching my students, one of my primary goals is to encourage them to, to analyze the past and present critically and with an open mind. I emphasize that as, as they develop their own interpretations of past events, they do so based on the available historical evidence. Open-minded, evidence-based inquiry into the available archives is at the heart of historical scholarship. Tenure, which was established in the early 20th century allows me to pursue this kind of scholarship that often challenges preconceived notions or myths regarding the past without interference from outside interests. It allows me to pursue hard truths and elusive facts wherever they might lead. It is the necessary precondition of faculty work and should be extended to all faculty who teach and research at our institution, not roll back or eliminate it. In pursuing historical truth, I'm bound by rigorous professional standards that are-- that ensure that my analysis and interpretations are supported by the evidence that I cite. In publishing and teaching, my work is subject to constant review by my academic peers. This is not just true for historians, but for any academic field. And since you've heard a lot about the rigors of our system, I'm going to skip that portion of my talk and go right to my closing statement which is that tenure is not a blank check for professors to do as they want or teach as they want, but it is a hard-earned protection from undue outside influences that ensures that the faculty at UNL will continue to produc-- produce innovative and groundbreaking research in teaching that will serve to educate Nebraskans, promote civic health, and advance our economic development. Thank you.

**MURMAN:** Thank you. Any questions for Mr. Vazansky?

**ALEXANDER VAZANSKY:** Thank you.

**MURMAN:** If not, thanks for your testimony. Other opponents for LB1064? Any other opponents?

**JENNIFER PEEKSMEASE:** Oh, sorry. My name is Jennifer PeeksMease, J-e-n-n-i-f-e-r P-e-e-k-s-M-e-a-s-e, and I am here in my personal capacity, not representing the views of my employer. Didn't come

planning to speak on this bill today, but I thought I had a perspective that's exceptionally unique. I was granted tenure in 2020, an organizational and cultural communication at James Madison University in Virginia. I take-- took great pride in working with my students, especially protecting and taking care of their First Amendment rights. In fact, students often commented on the fact that my room was one of the only places where they felt like they could talk with each other honestly about their political views. Like many who are proponents of this bill, I also thought that tenure was kind of a weird thing. And then it didn't happen anywhere else in any other corporate environment. In fact, I'd already stepped off the tenure track once and came back to environ-- to academia, which is a very unusual move for those who have tenure track jobs. And then-- anyway, so I thought it was a, a very odd bird myself. So when I had the opportunity to come to UNL and use my ability to help people speak to one another, to help them see on different issues eye to eye, even though I wasn't granted tenure, I thought, I'm really good at my job. I'll be OK. I do good work. Unfortunately, my job is now under threat by LB1330 without any consideration of my impact on students, without any consideration of my impact on staff, without any consideration of my impact on this larger Lincoln community. So perhaps we're a little bit naive right now to think that we don't need tenure protection.

**MURMAN:** Any questions? And, and are you testifying about LB1064?

**JENNIFER PEEKSMEASE:** I am talking about the importance. Had I-- had I argued for tenure, which is not uncommon to require and demand tenure when you move, not demand, but to be requested to have your tenure transferred is not unusual. But I was willing to come here without that because I had faith.

**MURMAN:** OK. Thank you. Yeah, I think you might have said LB1330, that's why I asked.

**JENNIFER PEEKSMEASE:** My job is under threat by LB1330. That's what I'm telling you.

**MURMAN:** Right now, we're talking about LB1064.

**JENNIFER PEEKSMEASE:** What I'm suggesting to you is that because I gave up tenure.

**MURMAN:** And that is LB1064.

**JENNIFER PEEKSMEASE:** And that was my choice.

**MURMAN:** Uh-huh.

**JENNIFER PEEKSMEASE:** And had I not given up tenure, I would not be at risk of losing my job without any recognition of how good I am at my job, or what I do or what my impact is. And had I demanded tenure, and had we-- had I-- had I been granted tenure, which I didn't think I needed, that LB1330 would not be threatening my job right now. I would have a job.

**MURMAN:** We're test-- we're testifying on LB1064 right now.

**JENNIFER PEEKSMEASE:** I understand. I think others in the room may be understanding, we can leave that.

**SANDERS:** We got it.

**MURMAN:** OK. Any, any other questions?

**JENNIFER PEEKSMEASE:** Sorry. Any other questions?

**MURMAN:** Thank you for your testimony. Any other opponents for LB1064? Any neutral testifiers for LB1064? If not, Senator Lippincott, you're welcome to come up and close. And online comments, we, we have 17 proponents, 102 opponents, and no neutral testifiers. Go, go ahead.

**LIPPINCOTT:** Yes, sir. It's been very interesting listening to the discussion, it's been a great discussion and exchange of ideas for sure. That's what education is all about. We're constantly trying to come up with better ideas. I was just sitting back here thinking and listening to everybody talk about different things, and the other day I was talking to somebody and we're approaching calving season out in the ranch and farmland. And the other day was very cold and there were some calves that were born and they immediately died because it was so cold. Life is tough and the work world is a tough place. And I was back here thinking, kids come to school, to the university, and one of the first things they see are professors that are protected by tenure. And that's not really a fair example of the work world where merit and performance rules the day. And so when young people leave college, they get their degree and they go out into work world, they realize that I'm going to have to do work. I have to perform. That's the way it is. So sometimes college is not a real place. It's not a good example for the real work world. And then one other thing I was thinking about while I was sitting back here listening, and a lot of arguments that were made for tenure, and there are good legitimate arguments. I will not deny that, but some of those same arguments should blanket all professors at all times, not just tenured, all

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professors. They all need to be protected, nontenured professors also. Because I think what happens is people, professors, employees of the university feel made to toe the line, maintain the status quo, and whatever the wind is blowing, that's what they need to support. So I, I, I say that to complete the thought that is some nontenured professors before they become tenured, they are censored because they need to agree with the status quo of the university. So, again, should this same mindset be applied to everybody? Either it should be or not.

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

**LIPPINCOTT:** Thank you, sir.

**CONRAD:** Thank you.

**MURMAN:** And we are going to take a 10 minute break. And if you are not testifying on the bills coming up, I ask that you be cognizant of those waiting out in the hallways and-- yeah.

[BREAK]

**ALBRECHT:** OK. We're going to go ahead and get started. We're going to take one hour with proponents, one hour with opponents. You'll have the three minutes as you did before. When the red light comes on, please stop speaking. We want to get through as many people as possible. And what I'd like to have you do, it makes it a little easier, just line up on both sides. So just go, you know, left to right, left to right, left to right. We'll just keep it going. So we're going to get started with LB1330. Senator Murman.

**MURMAN:** Good afternoon, Chair Albrecht. My name is Senator Dave Murman. I represent District 38. That is eight counties, mostly along the southern tier in the middle part of the state. I have the privilege to introduce LB1330. LB1330 seeks to prohibit the use of state funds going to the establishment of a college or university DEI department or requiring DEI-related trainings for employees. It's no secret that, following a decline in enrollment, the university has to face some budgetary decisions. Over the next two years, the Nebraska system is looking at a projected \$58 million shortfall. No doubt some hard decisions are going to have to be made, but the good news is today we have a partial solution: end funding of the DEI departments. The university is on the right track with announcing a budget cut in the Office of Diversity and Inclusion, but this bill takes a further step in the right direction and continues the work. Why is that work

needed? Because with the budget struggle, we're seeing positions like theater positions at UNK likely to be cut. Rather than cutting loved academic positions, the smart thing to do would be focus all in on bureaucracy. Iowa, Oklahoma, Texas, Florida, and most recently Utah have taken the right lead on this, and I hope to continue the pattern right here in Nebraska. Let's look at a recent example of failure in leadership by the UNL Office of Diversity and Inclusion. In August of this year, UNL has faced a legal complaint from the Equal Protection Project for creating a fraud program known as the Black Public Media Residency Program, which black filmmakers, artists, and creative technologists were offered access to and training on emerging technology, equipment, and software. William Jacobson, a Cornell Law professor, summed up the issue perfectly, writing: The racial discrimination of the program is particularly pernicious because it requires that student teams organize themselves around race, with one team member required to be black. This puts students in the position of choosing among their peers focused on race. A public university giving preferential treatment to certain racial groups is clearly not in line with academic freedom or meritocracy. So what did the Diversity and Inclusion Office have to comment on that? Nothing. There's a clear irony here when an office of inclusion seems to be fine with a program which its very goal is to exclude. This is not an off-- one-off incident either. Formerly, the very own UNL diversity and inclusion website, it describes the Breakthrough Recruitment for Inclusive Diversity Growth and Excellence, or BRIDGE Program, writing: Through BRIDGE, we make an active decision to prioritize inclusive excellence in our faci-- faculty and staff recruitment and selection practices. Our Supreme Court has made the obvious and correct decision to recognize the un-- unconstitutionality of affirmative action for student admissions, admissions, but our own universities continue to use practices that only-- that can only be described as affirmative action for the hiring of staff even if they do not use the exact words. In a 2024 Free Press article, it details how, through a public records request, DEI has been central to UNL's hiring practices. Examples include, while searching for a national defense and computer network security professor, a candidate's diversity score-- which assessed how well applicants understood intersectional aspects of diversity-- was given equal weight to factors such as research and teaching experience. In a search for a data-- cybersecurity professor, the diversity recruitment report stated the weight of diversity scores were equal to the other scored areas that contributed to the candidate's overall score. The reports also detailed not hiring professors in the fields of thermal sciences and environmental engineering. In our flagship university here in Nebraska, even

qualified chemical engineers must buy into the ideology of the university's administration or say goodbye to having a chance to teach. I'm sure we will hear much about academic freedom from the opposition here today, but the reality is that requiring diversity statements from applicants is a clear threat to academic freedom. I had one community college educator reach out to me and write: I have heard students share fear of saying the wrong thing, using the wrong pronoun, or voicing counterpositions to those of the DEI movement. This has resulted in both students and faculty hindering their communication and thus stifling learning from diverse opinions and ideas. I'm sure that we will have many of the colleges and universities come up and support DEI programs, but much like this educator who reached out to me, many other professors and students are deeply opposed to DEI-- DEI programs but afraid to speak up. Another Nebraska university professor wrote to me expressing this exact concern, saying: Speaking publicly against DEI initiatives is akin to public blasphemy and would result in being pilloried by one's university faculty peers. This is the natural result of when public institutions put ideology into policy. This is unsurprising to anyone who follows these issues because, to the universities, equal-- equality of opportunity has no longer been the goal. Instead, DEI bureaucrats have coerced our students and professors into forcing an equalit-- an equality of outcome even when it means leaving others behind. It should be obvious and easy to say that race, ethnicity, gender, and religion should never be used to discriminate against another person. But when universities cast certain groups as the oppressed-- oppressors and the oppressed, when they give preferential treatment to certain groups simply because of color of their skin, they fail that goal. And when the Office of Diversity and Inclusion fails to speak on these issues, they fail that goal. Instead, they cast racial division among students, crush apa-- academic freedom, and bloat administrative bureaucracies. We have some great universities and colleges in Nebraska. They share a great goal of providing competitive and affordable education that can be a launchpad for new careers and innovation. This is a goal I don't want to give up on. But when we have a department that says these are the specific values we must abide by, when we have a department that says we must have these outcomes, and when we have a department that makes hires based on race, we aren't living up to that goal. Our universities should be a taxpayer-funded tool for-- should not be a taxpayer-funded tool for activism and social change. Finally, I will point to a recent amendment I've worked on-- and I passed that out to the committee. We'll likely hear about the Supreme Court case, Board of Regents v. Exon, which ruled that Nebraska's constitution dictates that the

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general government of the universities is left to the Board of Regents, not the Legislature. However, the constitution and the court noted that the specific powers of the board shall be prescribed by law. This amendment brings LB1330 into the existing statutes which prescribe the powers of the board. Through the amendment, we can acknowledge the concerns over constitutionality by simply outlining that DEI programs are not part of that prescribed legal power. Rather, DEI simply creates laws in conflict with their government. So I'm happy to take any questions.

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

**CONRAD:** Thank you, Vice Chair Albrecht. Thank you, Senator Murman. Appreciate you sharing your ideas on why you brought forth this measure. I think there were some similar efforts in the past, maybe slight nuances in terms of how they were stated or organized, both at the Board of Regents level. There's been multiple hearings in the Legislature. We had interim studies on similar, related topics. So I, I think your position on these issues is well-known. But I, I want to, to make sure to-- I'm glad that you proactively looked at the Exon decision because I do think it poses problems for your bill from a legal perspective. I also just wanted to make sure to note for the record and see if you had a chance-- and if you didn't, we can follow up in the closing, or maybe other proponents might have some information about it. But you do know that there is a, quote unquote, ban on affirmative action in the Nebraska Constitution that was put there by Nebraska voters many years ago. Are you aware of, of that section?

**MURMAN:** I'm aware of the Supreme Court decision. I guess I, I'm not aware of--

**CONRAD:** Sure. Yeah. So that's the-- why we have hearings, to, to have a good learning opportunity exchange for all of us. You're right. There has been recent Supreme Court action in regards to some of these issues around affirmative action programs at our institutions of higher ed. But if you look at Article I, Section 30 of the Nebraska Constitution, there's been a longstanding ban, I think maybe since 2007 or 2008, against any sort of preferences in public education, employment, contracting, what have you. So you mentioned-- I only raise it because you mentioned in the context of your opening that you were concerned about affirmative action, which I think is far beyond the, the four corners of your bill, but is also-- has been prohibited in Nebraska for some time. So I, I did just want to lift that up

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there. So I have two more threads. And I know we have a packed house. And I want to hear from, from our second house, but. You also mentioned that you were concerned about the budget cuts and the elimination of certain programs at UNK and, and-- across the university system. I share that concern. I'm, I'm deeply concerned about that as well. And I, I think that you're right that when it comes to budgeting, it's always a matter of priorities. But my question to you, Senator Murman, is, what efforts have you taken to advocate for more resources for the university so that budget cuts aren't a reality?

**MURMAN:** Well, I've always been a big supporter of the university. Many in my family--

**CONRAD:** Yep. Yep.

**MURMAN:** --well, including myself, have attended the university. And I, you know, as a farmer, had a lot of contact with the university through the years of--

**CONRAD:** OK

**MURMAN:** --Nebraska LEAD Program, among many other things. So, so I do want to support the university. And I do think this bill will, you know, will not hurt the university. If I thought it would hurt the university, I wouldn't have brought it. So I think, you know, it's, it's kind of the trend of the future, actually. So I think we're kind of, you know, maybe realizing some possible mistakes we've made in the past.

**CONRAD:** OK.

**MURMAN:** Not-- I'm not talking about specifically the university. I'm talking about as a society right now. So, you know, that's part of the reason I brought the bill.

**CONRAD:** OK. And then I, I know that you were here during Senator McKinney's testimony and his bill recently and these are issues that we talk about a lot in the Education Committee. But I-- do you acknowledge or agree that there is a historical and persistent, present racial disparity in society?

**MURMAN:** Sure. And--

**CONRAD:** OK.

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**MURMAN:** --you know, I agree with everything that-- looking toward the future, what we can do to eliminate those disparities.

**CONRAD:** Great. And then I, I think that if we're aligned on accepting that reality and trying to figure out how we can address those disparities together moving forward, I think a lot of the concern that I've-- my office has heard and that will probably hear today is that programs that provide kind of a clear-eyed look at disparities in gender or race, what have you, kind of, kind of help us to address those. And, and I think there's concern that your bill would prevent that kind of clear-eyed look at, at some of these persistent disparities. Do you want to respond to that?

**MURMAN:** Well, no matter what the reason is for, you know, hiring or, you know, attracting students, I think the most important thing that we need to look at is merit. You know, if it's an academic program, the, the academics. I don't think the, the color of the skin or ethnic background or sexual orientation ought to have anything to do with that. What we should look at is merit.

**CONRAD:** Mm-hmm. Right. I agree. But you would not disagree that no-- that we also have laws on the books that say we can't discriminate on the basis of race or gender or, or religion for purposes of employment or public accommodation or housing or things like that. So it's a--

**MURMAN:** I totally agree with that.

**CONRAD:** --it's a-- yeah. It's a, it's a delicate balance there. But I know we got a packed house. I, I have a lot of questions marked up on the bill, but we can, we can definitely talk through some of those in, in closing if they don't, if they don't come up in the, the hearing. But thank you, Senator. Thank you.

**MURMAN:** Sure. Thanks.

**ALBRECHT:** Thank you, Senator Conrad. Any other questions from the committee before we open up the-- for testimony? Seeing none. You'll be waiting in the wings?

**ALBRECHT:** OK. We're going to start with the first proponent. And again, we'll go one hour unless it goes shorter. But one hour starting now at 5:10.

**CONRAD:** OK.

**DOUG KAGAN:** Good afternoon. Doug Kagan, D-o-u-g K-a-g-a-n, Omaha, representing Nebraska Taxpayers for Freedom. The Nebraska university administration, which often complains about lack of funding, actually made substantial budget cuts this fiscal year. However, only a minuscule number came from its diversity, equity, and inclusion, the DEI programs. These programs and trainings represent actually division, exclusion, and indoctrination on our college campuses. Unabated, it continues to spread like wildfire. Actually, DEI is exclusionary because its promoters do not support or encourage diversity of viewpoints and political beliefs, especially conservative ones. Its adherents silence and vilify conservative perspectives in business and particularly in academia, academia, where freedom of speech and thought is traditional but now muzzled. Martin Luther King Jr. once dreamed-- and I quote-- that "my four little children will one day live in a nation where they will not be judged by the color of their skin, but by the content of their character." Unfortunately, revolutionary DEI views societal status in terms of color. Instead of encouraging a cooperative atmosphere of togetherness, it teaches people to exclude those who do not share their perspectives on diversity and other issues. It seeks to destroy our present system in which individuals attain success based on competence, diligent work, and merit, not through taking advantage through perceived victim status. The fiscal year 2023-2024 university budget balloons with DEI expenditures: \$1.2 million to fund institutional equity and compliance; over \$1.1 million for the Innovation Campus Office of Diversity and Inclusion; UNMC faculty diversity funding totaled \$1.7 million; UNO campus student inclusion, over \$332,000; UNO chief diversity officer paid over \$198,000. The reverse side lists many more. Taxpayers fund our university system to promote intellectual achievement and excellence in harmonious society. Our tax money should not fund this intellectual nonsense. Thank you.

**ALBRECHT:** Thank you, Mr. Kagan. Do I have any questions from the committee? Seeing none. Thank you for being here. Next proponent.

**OLIVIA NELSON:** Hello, committee. My name is Olivia Nelson, O-l-i-v-i-a N-e-l-s-o-n. I am a freshman at Doane University. I am a proud conservative, an active Catholic who loves sharing my faith, and I'm here to offer my full support for LB1330 because this pivotal piece of legislation seeks to safeguard the principles of academic freedom and intellectual rigor within our public educational institutions. At the heart of this bill lies a fundamental commitment to preserving the integrity of education as a forum for free inquiry, critical thinking, and open discourse. As a student, I have had a front-row seat to the concerning trend across the nation, where public institutions have

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increasingly imposed rigid ideological frameworks under the guise of DEI initiatives, the consequences of which have been a stifling of intellectual diversity, the suppression of dissenting viewpoints, and-- as Senator Murman mentioned-- the erosion of academic freedom. This bill serves as a necessary safeguard against the encroachment of ideological conformity within our educational institutions. By prohibiting public schools from compelling students or faculty to adopt specific beliefs, viewpoints, or ideology, this bill reaffirms the principle that education should empower individuals to think independently and critically engage with diverse perspectives and ensures that students are exposed to a wide range of ideas and are free to form their own conclusions based on evidence and reasoned debate. Furthermore, this bill protects the rights of students, parents, and educators who may hold dissenting opinions, such as religious beliefs, that run counter to the ideologies of DEI programs. No individual should be subjected to discrimination or harassment for expressing viewpoints that diverge from the narrative that DEI programs promote. By safeguarding the rights of all members of the educational community to express their beliefs without fear of reprisal, this bill will, will foster a culture of tolerance, respect, and intellectual openness. Although critics will argue that this bill is anti-diversity, nothing could be further from the truth. This bill is anti the diversity that DEI promotes, which is nothing more than superficial democratic char-- demographic characteristics. True diversity encompasses diversity of thought, belief, and perspective. By protecting the rights of individuals to express dissenting viewpoints, we can promote a richer and more robust form of diversity, one that encourages dialogue, debate, and the free exchange of, of ideas. That's all I have. If you have any questions, I'm willing to answer.

**ALBRECHT:** Very good. Staying ahead of time.

**CONRAD:** Thank you.

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

**OLIVIA NELSON:** Thank you.

**ALBRECHT:** OK. Next proponent. How are you doing?

**KEN BRUEGGEMANN:** Thank you.

**ALBRECHT:** Good evening.

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**KEN BRUEGGEMANN:** Thank you. Vice Chair, Education Committee, I'm Ken Brueggemann, K-e-n B-r-u-e-g-g-e-m-a-n-n. I come before you as a retired public school educator and member of Nebraska Taxpayers for Freedom. I watch in dismay as the university system from which I graduated during the 1970s twice devolves into a social experiment. Wastage of my tax dollars on this experiment is a secondary concern to seeing academic rigor replaced by activism. Last November, a quick overview of NU's budgeted course offerings disclosed the word "diversity" 40 times; "equity," 7 times; "inclusion," 4 times. The word "gender" occurred eight times; "transgender," once; "multicultural," nine times; "LGBT??" two times; and "queer" one time. Rigor, as in quality, occurred zero times. I began to tally the millions of dollars allocated but got depressed and quit. I'm sure that this committee has access to the university's budget. I urge you to restore academic credibility to Nebraska's educational systems. My daughter is currently pursuing the same graduate degree that I hold. Her textbooks embrace and promote social militancy. My grandchildren and great-grandchildren deserve much better than my daughter is presently being provided. Our state's youth deserve quality credentialing, not indoctrination and a pricey pop, pop culture sheepskin wrapped in DEI agenda. I thank you.

**ALBRECHT:** Thank you for your testimony, Mr. Brueggemann. Anybody have any questions from the committee? Seeing none. Thank you for being here tonight. Next proponent.

**WILLIAM FORBES:** My name's Bill Forbes, W-i-l-l-i-a-m J. F-o-r-b-e-s. And I'm going to kind of jump quickly through and pass over the introduction that I had for the sake of time. Going to jump in to a quote that may be startling, but it's a true quote, and it has to do with DEI. And I will explain how that has to do with the DEI. The quote-- and you'll recognize who it's from-- "The issue is not the issue. The issue is always the revolution." And so, you know, to understand that, we have to go to what the main point of the revolution is. The main point is that we have to divide people into groups. And those to-- the-- those groups-- has, has to divide people into two groups, and one group is the, the oppressors and the other group is the oppressed; the bourgeoisie and the proletariat. Well, so now what we have done in our culture to advance this, the issue is the iss-- is, is not the issue. The issue is the revolution. So we have to continuously divide people into groups. So the issue is not education theory. The issue is not postmodernism. The issue is not queer theory. The issue is not social emotional learning. The issue is not critical theory. The, the issue is not diversity, equity, and inclusion. The real issue is the revolution. And that's what's-- that's what we're,

we're moving towards in this culture is a communistic, Marxist worldview. And if you-- all you have to do is start to read the very famous Italian intellectual: Antonio Gramsci. And he was the one that came up with, with the, the idea of Marx-- cultural Marxism because Marxism was not being pro-- promoted very well in England after, after the Second World War. And so emotional-- emo-- critical, critical theory-- it sh-- it could be called diversity, inclusion, and equity. Or-- instead-- so we, we've got the acronym "DIE" because that's exactly what-- it'll happen with our culture. We need to stop this concept or this nonsense of moving our land and taking our freedoms away from us. The issue is the revolution. That's what they're moving us towards. Any questions?

**ALBRECHT:** Thank you, Mr. Forbes. Any questions from the committee?

**CONRAD:** Thank you.

**ALBRECHT:** Thank you very much. Thanks. Next proponent.

**JESS LAMMERS:** My name is Jess Lammers, J-e-s-s L-a-m-m-e-r-s. DEI-- first, equity is not equality. And, and secondly, it's, it's awkward and dishonest language that's being inflicted upon us by liberals. After affirmative action was ruled unconstitutional by the Supreme Court, it basically got repackaged as political correctness. And now again we are repackaging it as DEI. It's America's newest form of intolerance. And it's especially pernicious because-- because it comes described as tolerance and it presents as fairness, yet it attempts to control people with strict codes and rigid rules. Again, I might say that this becomes a constitutional violation. I'm not sure that that's the best way to fight discrimination. I don't think silencing people-- although the people you're silencing are the ones who have traditionally had the loudest voice-- I don't, I don't think that's the best method for solving problems that go much deeper than speech. As you might have noticed, any time the rulemakers decide to rename a group of people they label as victims, first they impart a sense of shame on the prior name. Then they create a new name. And then they create legislation to fund it. Again, we have just kicked affirmative action down the road, named it something else, and we, we seek to fund it. I, I'm not against equality, but when we talk about equity and inclusion, it would seem counterintuitive to me to not include the white, crass construction worker. He's entitled to have a seat at the table. As I present to you phenotypically looking as Caucasian trailer trash; it should be known that I'm genetically Jewish and religiously Orthodox Jewish. So you shouldn't judge a book by its cover. And I, I would lend my support to this bill because it excludes white people,

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which is racism. I would yield my remaining time and accept any questions from the committee.

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

**JESS LAMMERS:** Thank you for your time.

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

**MARTIN LIPHARDT:** Good afternoon, committee. My name is Martin Liphardt, M-a-r-t-i-n L-i-p-h-a-r-d-t. Representing myself. DEI programs at higher institutes of learning are part of a cultural Marxism that has taken a foothold in education all across our beloved country, and it must be eliminated. While DEI is a more modern term, it is important to understand its history, which dates back 50 to 60 years. The teachings of college professors Derrick Bell and Richard Delgado, followed by a second wave of Kimberle Crenshaw, Mari Matsuda, Robin DiAngelo, and others-- from there, spreading like a cancer to all of our institutions, including here in Nebraska purposefully. The long march through the institutions. This bill is an antidote to this cancer, and I would highly encourage you-- the members to advance it. To some degree, my own experience stems from my work as a chapter advisor to a UNL fraternity, but mostly from reading several books on this subject matter. So to that end, I'm providing you with a number of book references at the end of my speech that I feel provided me with a good insight and a lot of data, and public policy should, of course, be based on rational analysis and factual data, not feelings and emotions. On several occasions, I have spoken to my local LPS school board about their DEI program. While LB1330 is concerned with universities and not primary and secondary schools, it is nonetheless useful to highlight the prevalence of DEI programs in all of education. LPS has a program called All Means All Action Plan. It has four pillars-- all four of them related to race. For example, graduation rates by race, faculty hires by race. LB1330 directly addresses several issues in this plan, justifying differential treatment based on race; influence the racial composition of faculty; race training-- which they call professional learning; adopting an official position of anti-racism and systemic oppression. Now, logic would tell you that these ideas were acquired by administrators during their college education at the very institutions that this bill is addressing. It is high time to put an end to the nonsense. Proper discourse of DEI cannot fully be explored right here. But if I had to put it in, in one phrase, I would say it's colorblindness versus "colorconsciousness". Colorconsciousness means everything is viewed

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through the lens of race, while colorblindness means we judge people by their character, not their color. It means equity-- excuse me. It means equality before the law, our state motto. A vote for this bill is a vote for the values of Nebraska. Thank you.

**ALBRECHT:** Thank you, Mr. Liphardt, for staying under the red light. Any questions from the committee? Seeing none. Thank you for being here. Next proponent. Good evening.

**JIM NIPPER:** Good evening. Hello. My name is Jim Nipper. That's J-i-m N-i-p-p-e-r. And I live in Lincoln, Nebraska. I'd like to thank you in advance for listening to my testimony. I'm testifying in support of LB1330, which opposes the mandated inclusion of politicized narratives such as power, privilege, and identity within the training agenda of employees involved in the public education system in Nebraska. My own perspective on such things is guided by a variety of influences, but I'd like to focus on a particular event of the last few years that I hope will be illuminating to members of the committee. In 2019, a group of students from a Catholic high school in Kentucky were visiting Washington, D.C. when they were confronted by many hostile activists who shouted at all manner of abuse at them. One of the students, Nick Sandmann, was singled out by the activists, and the encounter was videotaped and went viral. Mainstream media outlets were drawn into the controversy and jumped to many erroneous conclusions based on a left-leaning zealotry that didn't bother to gather facts or find the truth. Although there are many lessons to be learned on the surface of this incident, many of which are pertinent-- or, pertinent to the bill being discussed today, I believe it's a deeper lesson, one that came to light a fair bit later than the event I've described that we need to focus on. Mr. Sandmann brought lawsuits against some of the media outlets that were mischar-- that had mischaracterized the nature of his encounter with the belligerent activists and was able to settle out of court with some of them. One area, however, where he wasn't able to prevail was in refuting those media outlet claims that he was a racist. The courts disregarded Mr. Sandman's lawsuits in that respect because accusations of racism are, by their very nature, opinion, not fact, and opinion is protected by the First Amendment. That brings us to LB1330. It has value in that it recognizes some of these politicized training programs mandated for school employees and the characterizations of power, privilege, and social subor-- subordination that are found in them for what they are: opinion, not fact-- just as the courts dec-- decided in the Candmann-- Sandmann case. Yes, there is a history of our country not enforcing equality under the law in some cases, just as there are instances of abuse found in all aspects of life and society. But the grand

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characterizations and conclusions reached based on those instances are opinion, not fact. And opinion should not be mandated within any publicly funded institutions and should never be tolerated by our government as fact. Opinions are to be expressed, not mandated. Do not let the few turn their opinion into the fact for the rest of us. So just in conclusion, it's-- I would summarize what I've said by, I have no problem with people having opinions vastly divergent from mine, but I don't believe those opinions should be mandated to any group of people who are in a publicly funded entity or body or school or anything. So--

**ALBRECHT:** OK. Mr. Nipper--

**JIM NIPPER:** Yeah?

**ALBRECHT:** I'm going to have to shut you off. You're red.

**JIM NIPPER:** Oh. Thank you. Appreciate it.

**ALBRECHT:** But thank you for your testimony. Any questions from the committee? Seeing none. Thank you for being here.

**JIM NIPPER:** Thank you.

**ALBRECHT:** Next proponent. Hi.

**CAROLINE EPP:** Hi. I'm Caroline Epp, C-a-r-o-l-i-n-e E-p-p. I support LB1330. I believe the approach of DEI comes from the wrong direction. Success comes through working hard from the bottom up, not broadness in. Sound education, understanding wisdom-- which comes from God-- with an honest, hardworking ethic, sets up success for a person and society as a whole. God is the author of creativity, which comes from freedom, not regulation. When we try to box schools and businesses up as to whom they must include, you begin to tie up creativity and the hands of those who work hard to get where they are. Regulation takes away creativity, shuts freedom down. The DEI actually backfires on those this mindset thinks they are helping. It gives people the idea they do not have to work hard to get into a successful position, which then lowers standards and expectations on oneself. In reality, the whole DEI movement leads to a you-owe-me mentality that has to go. In reality, nothing is fair in life. Was it fair that I lost my hearing? No. But what you make of where you are in life makes all the difference. Sound character makes all the difference. Where do you get that sound character which will take you miles down the road to success? God. He is the author of life, and everything you need to know for life comes from him. You look at the wisdom with which our

country was put together, which made us the greatest, most benevolent nation on Earth. And if you don't believe me, why is everyone coming here? Yes, we have made wrong choices, but only because God was not consulted. Life would be so much better for all of us if we turned our eyes to the author of life. Too many of man's plans only try to put a Band-Aid on the infection rather than get to the root of the problem. DEI is only a flimsy Band-Aid being implemented to cover a problem that only turning back to God and our country can reverse and heal. Why shun the real manual for life? Do you want the doctor shunning his manual when operating on you?

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

**CAROLINE EPP:** That is what we have done as a society.

**ALBRECHT:** Thank you very much for your testimony, but I've got to shut you off at red. Any questions from the committee? Thank you for being here. Thank you for the-- for your testimony. Any other proponents? Let's get somebody in the chair. OK.

**LINDA VERMOOTEN:** Good afternoon, Senators. Thank you for the opportunity to testify today. My name is Dr. Linda Vermooten, L-i-n-d-a V-e-r-m-o-o-t-e-n. One of the speakers stole part of my thunder because I was wanting to talk about color. How do we get back or how do we attain colorblindness? If you take a group of children and you put them together, they don't see what color you are. They don't see where you come from. They just see you as their friend, someone I can play with, someone I can enjoy. I've had the privilege of watching many such children play. In my own family, we have Xhosa [INAUDIBLE] English and what we would call-- we have a mixed race at home that we call colored, but it's not the same as we imply here. It's, it's a mix of races. And those are all my nieces, my nephews, and my great-nieces and nephews. So I've watched them and I say, why do we make it so complicated? It's like we've had the pendulum way over here, and it seems with this whole theory, it's swinging way back over here. We used to have an oppressor. We have to own the good and the bad of all of our nations. We can't cut it out. It's a part of who we are. But what do we choose to do with that? Do we want to inflict that and force others to look at the way that we think? Or do we want to say, how do we move forward and how do we learn from each other and add to our wealth of knowledge and take from others and give to them some of our knowledge without having to say, well, you have to do this? It's the same in the workplace. What I've noticed now is people are so awkward. They used to be able to talk to each other. Now it's all, I, I can't say that word or if I use that term, I'm offending

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someone. It's like we've made everyone feel so awkward. And I, I do support this bill because I think-- it's not helping us. It's going back to what we say we banned in our country. And now we're saying we have to have so many of a certain group on the faculty or on the school staff or in our business. Well, isn't that selecting versus looking at who applied, who is the best for this? You know, I've watched this pendulum swing drastically in my lifestyle-- my own country, and I'm watching the same thing happen here. And I don't think that DEI is helping matters. And we have a budget that is hurting our university and our students. And so can we not look at that and say, well, let's look at-- let's get that out of there and naturally include the best students, the best faculty, and the best staff on their expertise? Thank you for your time.

**ALBRECHT:** Thank you, Dr. Vermooten. Any questions of the committee? Seeing none. Thanks for being here. Thanks for your testimony. Next proponent. Welcome.

**ETHAN FRIEDMAN:** Thank you. Good afternoon, Vice Chair Albrecht and members of the Education Committee. My name is Ethan Friedman, spelled E-t-h-a-n F-r-i-e-d-m-a-n. I'm a freshman at the University of Nebraska-Lincoln. Let me start this by saying that diversity is good, that programs and efforts to increase the representation of a certain group at the table is a good thing, that diversity and inclusion are good things. However, when you throw in equity and a focus on equality of outcome as opposed to equality of opportunity, the programs begin to cause harm. In fact, the focus on equality of outcome that DEI programs have inherently causes you to promote one group at the expense of another. DEI that promotes the idea that members of a certain group are inherently inferior or superior is both wrong and racist. DEI that promotes the idea that members of a certain group are inherently oppressed and possess no ability to overcome obstacles that may be presented to them and achieve success is wrong. DEI that coerces individuals to believe certain ideas without debate or discussion is wrong. Education should be about free thought and promoting a marketplace of ideas, not about getting individuals to believe ideas without such debate and discussion. At a time where we should be coming together to work through the injustices of the past and work to fix the injustices of the present, DEI causes more division between groups and hurts everyone in the process. I would like to see changes to the bill, though. I would like to see language changed to allow the discussion of ideas in a manner where debate and discussion occurs and individuals are allowed to form their own opinions on such topics. I would like to see language changed to allow diversity programs and efforts to increase the representation of a

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certain group without sacrificing the representation of another, such as encouraging members of one group to apply to a position to have more qualified candidates to interview. I do believe we need to save D and I by getting rid of E. All in all, though, I do believe this bill is good and this should have the opportunity to be debated on the floor and ultimately go to the Governor's desk. Thank you all for your time.

**CONRAD:** Thanks.

**ALBRECHT:** Thank you very much, Ethan Friedman. You did well. Good timing. Anybody have any questions from the committee?

**CONRAD:** Thank you.

**ALBRECHT:** Thanks so much.

**ETHAN FRIEDMAN:** Thank you.

**ALBRECHT:** OK. Next proponent. Hello.

**RALPH TATE:** Good afternoon.

**ALBRECHT:** Welcome.

**RALPH TATE:** My name is Ralph Tate, R-a-l-p-h T-a-t-e. And I am speaking today in support of LB1330. Before I start, I think it's important to say that this is a conversation that, that obviously we recognize is a very difficult one to have. So I appreciate that we do it. But I would also want to point out that this is also a conversation that both sides are using the same words but mean different things-- not because they're intentionally trying to be deceptive, but because we're not really communicating. So let me just start with that. First of all, I want to recognize that this bill restricts the propagation of what I consider to be a Marxist philosophy. At first blush, the concepts of diversity, equity, inclusion sound all right, but a closer examination of these concepts reveals an attempt to reverse the American values of merit, hard work, and personal responsibility. As someone has said, ideas have consequences and bad ideas have victims. One has only to look at what has happened in Zimbabwe and what is currently happening in South Africa to see the natural consequences of this approach in dealing with social injustice. We all recognize that life is not fair. Boy, that's true. The life that-- the idea that one's position in life or their success or failure is because they are an oppressed or are oppressors, is based on their ethnicity, sex, or some other

characteristic they have no control over, is characteristically wrongheaded and has no place in government-sponsored organizations, particularly public schools. The worst idea that we can propagate is that someone is considered a victim, that somehow whatever has happened to them has happened irrespective of anything they have done and they are not responsible. Victimhood releases the individual from accountability or responsibility. It isn't their fault, so it must be someone else's and someone else owes them something. The Declaration of Independence declares: We hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain inalienable rights, and that among these are life, liberty, and the pursuit of happiness. Whatever is meant by-- what they meant by that was that we are all equal before the law, that the same law applies to us equally regardless of our station in life. Although we have not always done this well, it's what we aspire to. But equal does not mean we're the same. We have different talents, inclinations, skills, and appearances. Rewards should not be-- but should be based upon merits, achievements, not some arbitrary criteria one has no control over. I know I'm running out of time, so let me reference to Senator McKinney's comment earlier this afternoon. I suggest that education is the powerful by-- means by which we can address social injustice by focusing on the beginning of the process and not the end of the process. Recognizing we have an opportunity to provide a solid educational foundation for all of our children, for those who prosper in public education, public schools, let them continue to enrich their experience. For those that are not prospering in public education, let us provide alternative educational options in the form of school choice so that all children will attain to their full potential.

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

**RALPH TATE:** Any questions?

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

**RALPH TATE:** Thank you very much.

**ALBRECHT:** You bet. Next proponent. Hello.

**PAUL EHERNBERGER:** Hi.

**ALBRECHT:** Welcome.

**PAUL EHERNBERGER:** My name is Paul Ehernberger, P-a-u-l E-h-e-r-n-b-e-r-g-e-r. Senator Murman, I think you have some courage. I'm not sure that you appreciate the extent of importance that we make this kind of effort. Our whole lives, I think that we have been boondoggled-- "boondaggled," taken for granted, deceived. I was a rock and roll musician. I'm in the Nebraska Music Hall of Fame. And, and my entire life has been spent with various ethnicities. Now I live in a town where I'm an extreme minority-- a 73-year-old white man in Schuyler, Nebraska, where 93% of the kids in the public school are the children of the immigrants. 71% by the last census are Latino. And, and I've worked hard in our local rotary club to help the immigrants who, who, who qualify for, for citizenship that they needed to study, they needed to be able to pass the American history test. Yeah, they needed funding. It was \$800 per person. And in a family where there might be some young adults, that could be extensive. And I think we need to do productive things like that, not be enforcing equity upon our society. As the previous speaker said, we've had equality in the United States because of our national creed. We hold these truths to be self-evident. There is such a thing as truth. That we are all created equal. Well, right there, it's saying that we didn't create ourselves. We didn't come from an explosion. We were created. And that's where our freedom comes from. That's where our equality comes from. That's why I look in the eyes of my neighbors' children and I melt. When I was six years old, there was an Armenian in San Francisco who was a student at the University of, of California. And he used to take care of me. He'd take me to Fleishhacker Zoo and Stinson Beach and the carnival and, and the swimming pool. And he and his brother gave me a key to their apartment. I think he took a fondness to me because when he was six years old in Armenia, he was taken from his parents by Stalin. And they put him in an indoctrination camp, a school where, between the time he was 6 and 11, he learned to disavow his faith in God, whatever faith a child has. And, and he, he, he believed that his enemies-- or, that his parents were enemies. I-- looks like I ran out at time. But we need to get over this indoctrination stuff. That's, that's what's happening in the University of Nebraska right now. We need to get the DEI out.

**ALBRECHT:** Thank you for your testimony. Any comments? Any questions? Thank you, sir. Next proponent. Next proponent. Seeing none. Next-- opponent will be next. Opponents. OK. So we're done with 45 minutes worth of testimony on the proponents side. So now we can start with opponents.

**ALBRECHT:** OK. We're going to take it slow. We're going to start. Just line up on both sides. We'll go one at a time. Either side. It doesn't

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matter. We just-- otherwise they all just go in. I just need it quiet, please. OK. We're going to go ahead and get started with our first opponent: Josephine. [INAUDIBLE] open.

**JOSEPHINE LITWINOWICZ:** Thank you, Assistant Chair Albrecht and the rest of the crew. My name-- and I just want to say-- because I'm going to make a little-- before my time starts, I want to say for-- disabled, and I'm going to make a little comp-- comp-- a compilation when I ask-- I, I would like-- we would like to have, you know, a microphone, OK? So I don't have to lean over like this. And so-- because I have to and I've learned, I'm going to put up one heck of a compila-- mosaic video if-- I need to. OK. So now, if I could please start. If we could clear the-- well, anyway, I'll just get going.

**ALBRECHT:** Please.

**CONRAD:** [INAUDIBLE].

**JOSEPHINE LITWINOWICZ:** Yeah. Well, we'll start it again.

**CONRAD:** No.

**JOSEPHINE LITWINOWICZ:** Yeah. All right. Then you can pull me out. For one thing, I-- you know, for example, when, when I graduated college-- and I went to grad school.

**ALBRECHT:** OK. First of all, you have to say your name and spell it, remember?

**JOSEPHINE LITWINOWICZ:** Oh, OK. Sorry. My name is J-o-s-e-p-h-i-n-e L-i-t-w-i-n-o-w-i-c-z. And when I went to college and-- you know, there was a, you know, there was a tendency-- I went-- when I went to college, you know, I went to a, a top, you know, five graduate school in my field. And if I would have-- for example, if I wouldn't-- at the time, if I wouldn't have gotten my dream job if I deserved it, I would have gone nuts. And the problem is we also had institutional racism. When I was in New Orleans, I mean, even-- I'm going to use the language because it's appropriate. He-- there was one cop that was a friend of a, a former friend of mine. He says, you know, I let my dog chew longer on the niggers. He had a K9. He was a K9 police officer. You know, and, and the DA's office and the cops would have their own place at the, you know, bar they'd go to. And I heard some incredible things. I've heard some incredible things at the places I've worked. You know, General Motors, the validation center, the prototype vehicles. So I, I just-- you know, institutional racism is just there, so I don't know what to do because I would have gone nuts at the time

if I, if I was qualified-- the merit. And if I didn't get it, I would have been pissed. But then how do we reconcile with the fact that it's also extremely true that institutional racism is a fact? So where do you draw the line? I don't know. But I don't think-- oh, and, and this critical race theory or DEI? I mean, history is history. So you learned there's no victimhood because the past teaches us of what, what's going on today. Because you can see as far ahead as you can behind. So-- I don't know what to say. I had my thoughts-- I have a problem with my MS, cognitive ability. So I really wanted to say this. And so maybe-- and-- give me a couple seconds. This is turning into a dumpster fire, but. Oh, history. Like, for example, slavery? The African Americans were just as involved. I mean, why don't you teach history? Why don't you teach the facts and not call it anything, you know? An Armenian? Yeah-- you know, he was indoctrinated. But the Turks also at the same time had a genocide against them. We need to learn that. We need to know that Buddhists target Muslims. It'd be hilarious if it weren't true. You know, I, I don't know all these terms that get used, but let's just teach the truth, what actually happens. And that the past doesn't-- it teaches us because you see as far as-- behind as you can ahead, and it's frustrating. But I don't know where you would draw the line with, for example, merit. Because I understand the argument, but I just can't support the bill. Thank you.

**ALBRECHT:** Thank you, Josephine. OK. We're going to have to allow him to get through.

**JOSEPHINE LITWINOWICZ:** Yeah, I got to go home and go to bed.

**ALBRECHT:** But, but the reason I ask for you-- just to get up because I know a lot of people want to get home at this hour of night, so that's probably why y'all race to the front. And I, I can appreciate that. We can do it this way. Or you can take a seat. But I want people getting in that chair and being respectful of those who are coming up, OK? So let Josephine through. Yeah. And you could certainly sit down if you want to, but. OK. So first opp-- second opponent up. Yes, sir.

**DEWAYNE MAYS:** OK. Thank you, Chairman. I just want to call attention to the fact that how-- what a difference we've made in this hearing. It is unfortunate that the Chair--

**ALBRECHT:** OK. Did we get your name? And spell it, please. I'm sorry.

**DEWAYNE MAYS:** My name is Dewayne Mays, D-e-w-a-y-n-e M-a-y-s. I'm representing the Lincoln Branch of NAACP.

**ALBRECHT:** OK. Thank you.

**DEWAYNE MAYS:** I want to call your attention to the bias that you've already introduced in this hearing. Because for the-- for those who were proponents, they had the courtesy of, of taking their-- having their seat. But you've made a difference in this. Those who have opposed are standing around the wall. That's-- that is not equitable. And certainly, I am assuming that this committee wants to put forth the best effort. You have not done that. The NAACP is the largest civil rights organization in this country. It has advocated for rights and-- of the underserved, including social justice rights for all citizens for over 125 year, years, and in Lincoln community for 115 years. It is our mission to advocate, encourage, and support fair and equitable treatment for all people. Though our-- through our collaboration efforts with the community partners, we have determined that there is a need for strong efforts for diversity, equity, and inclusion throughout the state of Nebraska. And this hearing has exemplified that. Research has shown that division-- diversity programs have improved the contextual outcome of campus relationship through dialogue and allowed our campus community to find common grounds. UNL has experienced its most diverse student growth population in 2023. And if you allow me, I'd like to finish.

**ALBRECHT:** You have till the red light. You have another minute.

**DEWAYNE MAYS:** OK. Our believe is that, that LB1330 is detrimental to the overall growth of the success of the public institution. The defining of diversity and its related terms to a frame on conservative political agenda deprive our state of the opportunity to live up to its state's mission: diversity before the law. It has also deprived Nebraskans its First Amendment rights. An-- anti-DEI efforts are contrary to the decades of research and has proved otherwise-- that has proved otherwise. These efforts lower Nebraska's university status among their colleagues. These efforts heighten distrust and hate, and raises fear and instability. Nebraska athletes will suffer because of appearance of an unwelcoming climate for students.

**ALBRECHT:** OK. Now-- I'm sorry. I'm going to have to stop because it is a red light. And I appreciate your, your comments in the beginning. I have understood through the Clerk's Office that we do need to be seated because of security reasons. But the reason that I asked people if they'd like to do that is because I know by this time at night-- and I've sat through many hearings in the eight-year period-- that people are ready to go home. They've got to get to their families. They've got to go wherever they need to go. But it wasn't intentional

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to hurt anyone's feelings, just as you jumped in front of somebody who was already ready to go. So you're welcome all to please sit back down because that's what we've been asked of security. And we'll just take everybody one, one person at a time. Does anyone else have any questions for the [INAUDIBLE] testifier? Thank you for being here.

**CONRAD:** I, I-- OK. I just wanted to say thank you.

**ALBRECHT:** Let's get this going. All right.

**MORGANN FREEMAN:** Hi. My apologies.

**ALBRECHT:** Whoever has the green sheet in to our clerk would be the next one up. So go ahead and put your green sheet in. Yes. Thank you.

**MORGANN FREEMAN:** Hi. Thank you for the opportunity to testify. This is a really important bill and a really important conversation. My name is Morgann Freeman, M-o-r-g-a-n-n; Freeman, F-r-e-e-m-a-n. And I'm here to testify on behalf of myself, as well as my husband and our soon-to-be-born child. I think it's really important that we have this conversation specifically about DEI when we're talking about educational public institutions because when you're actually building a, a legislative bill that's going to change how we have people that are in positions of power-- so people that are responsible for students, for education, for building curriculum, for teaching, teaching our next generation-- when you are limiting what information that they have access to, the training that they receive so that they can be effective educators, you are then limiting that next generation's capacity to operate as effective members of society. If you care about the future of Nebraska education, if you care about-- for example, my husband is a-- went to a Nebraska public school-- or, not public school, but a Nebraska private school, it's Wayne State University-- and went through a very small rural town and then went to a public institution for his medical degree. The conversations that they're having at UNMC, at Nebraska Medicine is centered around not just how do we make sure that we are doing the best that we can when we are talking about the complexities of our realities and the complexities of our histories, many that-- or, many facets of which most people don't know. Like, people don't know how we had President Reagan and Harriet Tubman that were alive at the same time. We're not talking about history that's very far removed from ourselves. Not only are we talking about those things when we're talking about DEI programming and training for educators and for staff and faculty, but we're talking about as well making sure that those individuals who are responsible for our care, for the care of our, our next generation,

those individuals understand how to then treat other people that come from different backgrounds. So it is so vitally important that we have actual informed educators that are then taught by the best of the best about how do we promote diversity, how do we make sure that something is equitable, which means giving someone what they need rather than giving some-- everybody the same thing. Understanding that is how we build a better Nebraska for tomorrow. And this is one of the main reasons why so many people of the millennial generation and generations that are younger are leaving Nebraska-- bills like this and conversations like this. So thank you so much for the opportunity to testify. And I would like to take any questions you may have.

**CONRAD:** Thank you.

**ALBRECHT:** Thank you very much. Any questions from the committee?

**CONRAD:** Thank you, Morgann.

**ALBRECHT:** Seeing none.

**MORGANN FREEMAN:** Thank you.

**ALBRECHT:** Thank you for being here. Next opponent. We have one right here that's already turned in a sheet.

**KIPP MCKENZIE:** Good evening, committee members. My name is Kipp McKenzie. That's K-i-p-p M-c-K-e-n-z-i-e. And I'm from Omaha. I work at a educational institution in Omaha, and I'm urging you to oppose LB1330. The reason it matters is because diversity, equity, inclusion provide a welcoming environment at work. Also, employees have a sense of feeling or being heard, valued, seen in their full context of who they are and the richness of what identities they represent in a public institution. But I'm gonna take this a little bit deeper real quick. The truth is that this ban is an erasure of the soul and essence of people from racially marginalized groups and other marginalized communities, and it's also a way of not acknowledging the real, damaging, and traumatic systems and behaviors used to stifle the humanity of people from racially marginalized groups and other marginalized communities. This ban is a method to keep people from those communities powerless and unable to challenge the systems of oppression by gaslighting them and telling them that these areas of training within the sphere of diversity, equity, inclusion are imagined and nonexistent. Also, I want to make this clear too: using God as an anchor for racism is intellectually lazy and, quite frankly, it's devoid of emotional intelligence. Employees-- or, rather-- I'm

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sorry. This is about-- in essence really, this is about white discomfort and the unwillingness to have uncomfortable conversations that center on DEI. It's about the people in power trying to maintain that power by controlling the narrative and keeping people ignorant by not allowing DEI programs to be administered. This is not an indoctrination, as people would like everybody in this room to believe, at all. It's about promoting justice in the workplace and teaching employees and students to truly see themselves who may not look like them or have different identities than they do. LB1330 is merely an extension of white privilege at the end of the day, whenever we all get through. As a person who has worked and continues to work in different degrees of the field of DEI, I, I have conducted trainings in these different businesses and things of that nature. And I've had people come up to me trainings in tears-- in tears because their peers did not recognize them. They didn't know what to do. Also, I've had people, white folks, come up to me and thanked, thanked us for doing the training because of things that they didn't know. And I'll end it on this note. James Baldwin, black writer, playwright, civil rights activist said: It is certain, in any case, that ignorance, allied with power, is the most ferocious enemy justice can have. So I ask again to please oppose LB1330. Thank you.

**CONRAD:** Thank you.

**ALBRECHT:** Thank you for your testimony, Mr. McKenzie. Anyone else have any questions?

**CONRAD:** Thank you.

**KIPP MCKENZIE:** All right.

**CONRAD:** Thank you.

**ALBRECHT:** Thank you, sir.

**KIPP MCKENZIE:** Appreciate you.

**CONRAD:** Thank you.

**ALBRECHT:** OK. Next opponent.

**CYNTHIA GOOCH-GRAYSON:** Greetings, committee Chair and Educational Committee. My name is Dr. Cynthia, C-y-n-t-h-i-a; Gooch, G-o-o-c-h; Grayson, G-r-a-y-s-o-n. And I am the associate vice president for access, opportunity, and TRIO programs at Metropolitan Community College. Metropolitan Community College proudly serves the four county

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area of Dodge, Douglas, Sarpy, and Washington counties in eastern Nebraska, a region where 42% of our state's residents call home. The diversity of our region is reflected in our campuses and classrooms. While our students come to us from a variety of backgrounds, they come with the desire to take that next positive step in their lives. We take pride in providing a world-class education that prepares our diverse students to start here and go anywhere to succeed. Our mission statement sums it up well: it is to deliver relevant, student-centered education to a diverse community of learners. Our hardworking students benefit from being exposed to diverse perspectives, which fosters a sense of belonging while enhancing critical thinking, problem-solving skills, teamwork, and leadership development-- skills that students need to thrive as well-rounded citizens. If students do not come to college equipped with these skills, colleges and universities are the place to build them through experiences, discussions, and relationships. The importance of inclusion, equity, and diversity in business goes beyond just the individual. Graduates well-equipped to thrive in an increasingly diverse Nebraska are more likely to interact and contribute to our economy confidentially. Employers expect their teams to communicate effectively, collaborate efficiently, and solve problems together. However, according to the Kapor Center for Social Impact, employees who have experienced unfairness in the workplace are more likely to quit than those who have not. Educating students in diverse settings will prepare them with the essential employability skills and create positive work environments. In December 2023, the Center for Public Affairs Research at the University of Nebraska at Omaha reported that people aged 25 and above are increasingly leaving this state, taking their talents with them. A 2019 Omaha Chamber of Commerce report listed the lack of diversity as the number one reason such individuals gave for not returning to our state. If passed, LB1330 would contribute to the already problematic brain drain occurring in our state and hurt us all. LB1330 may lead students and faculty to leave Nebraska. Inadequately trained students could provide poor care in hospitals and clinics. The same risk applies to mechanics, plumbers, and electricians serving our communities. Community colleges provide a rigorous education to prepare students for their next steps. LB1330 would greatly limit Metropolitan Community College's ability to train our faculty and staff to prepare students for success in a diverse workforce. For all the aforemor-- aforementioned reasons, MCC encourages the committee to postpone the bill indefinitely so that we can continue to build a Nebraska that everyone can be proud of. Therefore, I oppose the bill.

**ALBRECHT:** Thank you very much.

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**CONRAD:** Thank you.

**CYNTHIA GOOCH-GRAYSON:** Oh. Any questions?

**ALBRECHT:** Guess not. Seeing none.

**CONRAD:** Thank you, Doctor.

**ALBRECHT:** Thank you very much. OK. Next opponent. Hi.

**HELEN FAGAN:** Good evening. Senator Murman and-- oh, I'm sorry. My name. Dr. Helen Fagan, F-a-g-a-n; and Helen, H-e-l-e-n. Senator Murman and members of the Education Committee, thank you for the opportunity to speak with you today. My name is Helen Fagan. And while I do not know the true reason that led you to introduce LB1330, I do know that often fear is the un-- is-- of the unknown is at the heart of such a bill. And this fear undermines and attacks people like me, a proud Nebraska taxpayer since 1992. I am the wife of a disabled United States veteran who has served his country and continues to serve his country by working for the federal government. I'm a mother and a grandmother. Senator Murman, let me tell you a little bit about my history and my contribution to this state and why LB1330 is misdirected. I came to the United States as a 15-year-old international student from Iran in 1979. I came because my father, an oil industry executive, wanted me to have the best education possible. I want the same for the children of Nebraska. I have lived in this country for nearly 45 years and still have people tell me to get the hell out of this country. I have been called things like camel jockey and sand nigger. Two months after I arrived to the United States, hostages were taken in Iran and my entire life in this country, my homeland, has been filled with people not getting to know me, but fearing me. And this bill gives them the ammunition to continue to do so. I have a PhD in human sciences, specializing in leadership studies from University of Nebraska-Lincoln, a master's in management with specialization in leadership and international business from Doane University. My bachelor's degree is in economics and international management also from UNL. I am the CEO and founder of Helen Fagan and Associates. I am a member of the Association of Leadership Educators, International Leadership Association, and Society for Intercultural Training, Education, and Research. I helped bring the SIETAR Association to the con-- conference to Omaha, Nebraska in 2019. I have served on the boards of YWCA, City Impact, Lincoln Food Bank, Child Guidance Center, and Clinic with a Heart. In addition, I have been part of the Bryan College of Health Sciences Diversity Advisory Board, the Adult Basic Education at Southeast Community College, and Lincoln

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Journal Star Diversity Advisory Board. For the last 30-plus years, I have trained thousands of executives in business and academic leaders around the world to develop the skills and knowledge to leverage the differences of their teams because people matter. With LB1330, you are telling me that my years of research and expertise have no place in this, in this state that I call home. Your bill is driving people like me out of this state. Last Friday on February 9, we launched a simple survey of Nebraska taxpayers who support DEI efforts in our state's institutions. We already have, as of earlier this afternoon, just a little over 78 people and \$461,562.24 by these individuals paid in state income tax, and they all support DEI. And they all want to see us continue to invest in the efforts to make our strong-- our, our state stronger. Senator Murman and members of the committee, I encourage you to be courageous and rather than fearful. Do you realize that inclusion means that inviting all Nebraskans to participate fully and contribute to their very best and to truly--

**ALBRECHT:** OK. Red light.

**HELEN FAGAN:** --make the state of Nebraska the good life?

**ALBRECHT:** I appreciate--

**HELEN FAGAN:** Thank you for the opportunity.

**CONRAD:** Thank you, Helen.

**ALBRECHT:** Thank you very much. Anyone have any questions? Nope. OK. It's been suggested from those that I have to talk about and talk to and, and-- if you want to go from one side to the other or if you want to fight about who's coming up-- but if we go to the right and then we go to the left and then we go to the right and then we go to the left. Your call, whatever you want to do.

[INAUDIBLE].

**KAREN BELL-DANCY:** Right to left? Please-- excuse me.

**ALBRECHT:** Can't speak from the floor, sorry.

**KAREN BELL-DANCY:** Do not use the word "fight."

**ALBRECHT:** Excuse me?

**KAREN BELL-DANCY:** I'm sorry, but I'm going to--

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**ALBRECHT:** OK. We can't, we can't have anything from the floor.

**KAREN BELL-DANCY:** [INAUDIBLE] use the word "fight" after you've had the offices up there too. This is why the DEI discussion is so important.

**ALBRECHT:** OK. OK. OK. Thank you. Thank you. OK. You can go ahead.

**KAREN BELL-DANCY:** [INAUDIBLE].

**ALBRECHT:** Go ahead and start, please. Thank you.

**MIA PERALES:** OK. Good afternoon, Chairman Murman and members of the Education Committee. My name is Mia Perales, and I am a freshman environmental engineering student at the University of Nebraska-Lincoln. I'm going to paraphrase here, but Senator Bur-- Senator Murman, earlier you stated that merit should be the basis of student success and not race or ethnic background. But I am here to tell you that, as a Latina in engineering, from the day I started, I have been berated, disregarded, and overlooked countless compared to my white, mainly male peers. Despite coming into college having graduated in the top 2% of my class and being a Regents Academic Scholar-- which requires a minimum of a 3.5 GPA-- I have been ridiculed and outcasted from my peers. And as a person of color in a predominantly white institute, I have often felt out of place and homesick. But it is through diversity, equity, and inclusion organizations, like the Mexican American Student Association, or MASA, and the Multicultural Greek Council at the University of Nebraska-Lincoln that I have found a supportive, helpful, and encouraging community. If these organizations were to go away, thousands of students-- including myself-- would lose their found community. While LB1330 initially proposes to ban a program that requires an employee to participate, it then bans any expenditure of public funds on DEI, thus essentially banning any such programs altogether. This is extremely detrimental to the quality of education and social and environmental-- social environment available for Nebraska students. Inscribed on this very building is Nebraska's state motto, "equality before the law," which was declared in 1867 after Nebraska's inclination to extend suffrage to black Americans. LB1330 directly undermines the state's motto and is an insult to racial equity, women's rights, and free speech in Nebraska. Diversity, equity, and inclusion positively affects our environment and strengthens our community. Diversity enriches the educational experience and challenges stereotypical perceptions. It helps students, staff, and faculty learn to communicate effectively with

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people from varied backgrounds. So today, I urge you, the committee, to not advance LB1330. And I am here for any questions that you may have. Thank you.

**ALBRECHT:** Thank you for your testimony. Any questions from the committee?

**CONRAD:** Thank you so much.

**ALBRECHT:** Seeing none. Thank you.

**SHELLEY SCHWARZ:** She didn't spell her name.

**ALBRECHT:** You didn't spell your name.

**MIA PERALES:** Oh, sorry. M-i-a P-e-r-a-l-e-s. Thank you.

**ALBRECHT:** Thank you. Next opponent. Good evening.

**RICKI BARBER:** Good evening, Vice Chair Albrecht and members of the Education Committee. My name is Ricki Barber, R-i-c-k-i B-a-r-b-e-r. I'm the secretary of the Lincoln Branch NAACP. Originally, this testimony was going to be presented by Preston Love Jr., Omaha community activist and current candidate for the United States Senate. Called me this morning, said he couldn't be here. So asked me to deliver it-- this for him. But there are a number of moral arguments that you're going to hear today, so I'm going to skip that part of my testimony and go to a part that maybe some of the proponents of this bill might care a little bit more about, not that it's the most important thing to me. But I, like many others, don't want a stain on the reputation of the University of Nebraska or other colleges. The negative media attention that passing LB1330 would generate would be primarily on our flagship university. When we evaluate LB1330 through an athletic lens, we should remind ourselves that the transfer portal, transfer portal is a real thing. Our black athletes in particular are watching. Soon, the Big Ten Athletic Conference will consist of 18 universities. The University of Nebraska will be the only Big Ten school that is not also a member of the academically prestigious Association of American Universities, also known as the AAU. The AAU is composed of 71 of America's leading research universities. AAU member universities collectively helped shape policy for higher education, science, and innovation that promote best practices in undergraduate and graduate education and strengthen the contributions of leading research universities to American society. A, a September 2021 article in Forbes magazine indicated that the University of Nebraska had the lowest overall diversity percentage for undergraders--

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undergraduates in the Big Ten. Nebraska had 17.7% overall diversity, while the conference median was 24.7%. We should think about how passing LB1330 may affect our ability to attract top educators and research to Nebraska. It's conceivable that passing LB1330 could ultimately lessen our value and continued welcome in the Big Ten. Respectfully, I submit that we must do all we can to unite and divide our nation and our state. We Nebraskans must have the courage to put our mutual interests above party affiliation.

**ALBRECHT:** Thank you so much for your testimony. You've got a red light. I'm sorry.

**RICKI BARBER:** OK. One more sentence. And I'll say, we can show the rest of the nation and the state how we're suppo-- how we move forward on the road to truth, reconciliation, and racial solidarity. Thank you.

**ALBRECHT:** Thank you very much. Have any questions from the committee? Senator Conrad.

**CONRAD:** Thank you so much for being here. Thank you, Vice Chair Albrecht. And I appreciate your testimony. Thank you for sharing it and representing the NAACP. I-- one of my concerns about this measure in addition to, I think, very significant legal policy and practical issues, is, is that it's part of a manufactured, divisive campaign to increase the toxicity in our political discourse. And I think it undercuts our ability to create a culture of belonging for all Nebraskans, where each person has a chance to, to reach their highest potential. So I'm grateful that you brought forward the, the testimony. I wanted to give voice to that. I also wanted to give voice to the fact that the chaos in the hearing room today is also not an accident, right? This is exactly what's intended when measures like this are brought forward. And I-- it's not a commentary on Senator Murman's heart or intentions. Those speak for themselves, and he can speak for his self-- himself. But we're trying to get the temperature turned down because it's really hot in here as well. It's late in the day. Senator Albrecht's trying to figure out how we can get as many voices as possible on the record. But it-- the, the, the point is well taken from members in the audience and otherwise that it feels like there's disparate treatment in, in regards to how the testimony is being conducted. And, and I just wanted to, to voice that on the record and let people know that we're, we're trying our best to hear that and address that, so.

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**RICKI BARBER:** Thank you ver-- thank you very much, Senator Conrad. And we appreciate the work that you're doing.

**CONRAD:** Thank you.

**ALBRECHT:** Thank you, Senator Conrad. Thank you for your testimony. Next opponent.

**JEANNETTE EILEEN JONES-VAZANSKY:** Good evening. My name is Doc--

**CONRAD:** Good evening.

**JEANNETTE EILEEN JONES-VAZANSKY:** Good evening. My name is Dr. Jeanette Eileen Jones-Vazansky, J-e-a-n-e-t-t-e E-i-l-e-e-n J-o-n-e-s-V-a-z-a-n-s-k-y. It is a mouthful. I'm here today on behalf of the Lincoln Alumnae Chapter of Delta Sigma Theta Sorority, Incorporated. Our sorority was founded on January 13, 1913 by 22 black, educated women, college-educated women at Howard University. We are the second oldest black sorority in the nation. Rather than read the entire document that I presented to you, I do want to just highlight a couple of things-- and one is on the second page because I don't want to repeat what has been said. I think what is interesting to us as a sorority is that we see DEI as something broader than what this bill has stated. I'm going to quote Laura Lanese, who wrote for U.S. News and World Report. Her article highlights that DEI is for students with disabilities. We had someone here who had a disability who could not literally access-- right?-- the microphone. It's for veterans with PTSD. It's for minoritized students and students who are new Americans-- as one of our testifiers said-- who-- and that wasn't her case-- but who may need extra help due to language or cultural barriers. In other words, DEI programs are not just for the groups listed in the bill that is LB1330. The fact that LB1330 omits DEI efforts aimed at veterans, students with disabilities, and first-generation students, many of whom are white-- so it does not exclude white students-- is revealing of the bill's intention to deny inclusivity only for students who embrace-- and I'm using the language that's in the bill-- racial, ethnic, gender, or sexual identities. This is a double standard and problematic. We have reduced in this conversation DEI initiatives and programs only to those categories. But if you go to any-- and particularly in the Big Ten-- you have to deal with all forms of diversity, including generation, economic status, whether your parents went to college, do you have some neurodivergence? It's not just about race, gender, and sexuality. And we know this as a sorority. We also know that-- and this was mentioned-- that when there are budget cuts-- cuts, DEI is

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low-hanging fruit. And I quote this as well-- from diverse issues in higher education. We need to embrace diversity, inclusion, equity, and access as good practice so-- as other people have said-- our students, our faculty, and our staff feel included in our places of education. And since this is about education, I will focus on that. The only thing that I want to end with before-- if anyone wants to ask me questions-- is that we need to really think about why we are here today. Thank you.

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

**CONRAD:** Thank you so much, Vice Chair Albrecht. Thank you so much, Doctor. Good to see you again.

**JEANNETTE EILEEN JONES-VAZANSKY:** Thank you, Senator Conrad.

**CONRAD:** I wanted to just kind of make a point here. I, I think some of the reasons for support that we heard earlier from proponents, again, speak for themselves. But, you know, I was actually trying to compare that to the actual text of the bill--

**JEANNETTE EILEEN JONES-VAZANSKY:** Right.

**CONRAD:** --which I think there is-- there have been a lot of concerns brought forward that aren't even contemplated by this measure. So I, I want to just be clear to-- about that. But I, I do want to learn more about your expertise. And I know you've worked on the front lines of these issues for, for a long time. If you have had an opportunity to maybe share with the committee just a little bit about what kind of conversations measures like this has sparked in-- amongst your students or amongst your peers in, in the faculty.

**JEANNETTE EILEEN JONES-VAZANSKY:** Absolutely. And I have to say, many of the members of, of my sorority are professors-- I mean, at Stanford, all over. So we're everywhere. But I think some of the discussions that we've had really about the chilling effect and that because often the anti-DEI language is framed around race, ethnicity, gender and sexuality that we are not talking about the holistic work that the DEI people who are work-- in this audience do. And I think, for us-- particularly those of us who are-- come from minoritized backgrounds-- we feel as if we have a target on our back. And I'll just say a point of personal privilege. You know, I, I, I received my PhD at the University of Buffalo in New York. I got in. And then they called me and said, do you want the Arthur, Arth-- Arthur Schomburg Fellowship? I said, absolutely. If I don't have to pay, give it to me,

right? But that was for minoritized students because SUNY system was trying to increase the number of PhDs. But I wrote my own dissertation. It was 356 pages. I read every document in French and English and German. And so I, I, I say that to say that a lot of the talk about people not deserving doesn't really-- it belies the real experience that we've had as undergraduates and graduate students at predominantly white institutions. And so I think-- my students are also thinking about the brain drain, as one of the other doctors said, Dr. Gooch-Grayson. We know so many of the students-- when I started here-- they live in Texas. Some of them are trying to leave Texas. They have moved to other places. This is where they grew up. They grew up in Nebraska. They're Huskers for life. And when I tell you they're Huskers for life, you go [INAUDIBLE] Huskers all in their houses. But they are afraid to come back to a place that they think doesn't value them. And that is the problem. We're teaching people who want to be here. I left New York to come to Nebraska. Half of my family was like, why? But I'm not lea-- I could have left-- and people know this-- two years ago. And I came back to Nebraska. I was offered a job in New York, but I said, uh-uh. My work is in Nebraska. I grew up in New York. I don't need to be there. Had I known this was happening, I probably would have left two years ago and went back to New York because I know I wouldn't have had this issue. I wouldn't fear that my students will feel isolated. And when I say that, I have students across every diverse background that I mentioned. It's not just race, ethnicity, gender, and sexuality. And I don't like when people play with diversity to make it seem as if it's something that it's not.

**CONRAD:** Thank you, Doctor.

**JEANNETTE EILEEN JONES-VAZANSKY:** Thank you so much.

**ALBRECHT:** Thank you, Senator Conrad. Next opponent.

**CONRAD:** Hi, Karen.

**KAREN BELL-DANCY:** Good evening.

**ALBRECHT:** Good evening.

**KAREN BELL-DANCY:** My name is Karen Bell-Dancy, K-a-r-e-n B-e-l-l-D-a-n-c-y. And I am the executive director of the YWCA of Lincoln. The YWCA is dedicated to the elimination of racism and the empowerment of women and girls. We have been doing this work here in Lincoln, Nebraska approximately 137 years. We are directly opposed to LB1330. And you have my comments there, a lot of which has already

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been stated before. But I did want to uplift a couple of things for you in these comments. DEI is grossly important, and it should not be relegated to just the support of programming at the institution. DEI is important just because what has taken place here this very afternoon, the inequity that happened when it came time for the opponents of LB1330 made folks uncomfortable. The fact that the word "you can fight" over who will testify-- that is a microaggression. This is why the YWCA of Lincoln, we are heavily involved in training, in DEI training. We need our-- everyone in our community to have equity, to have equality. We need folks to understand what cultural backgrounds and cultural awareness, what that means and the implications that that has on all Nebraskans. In 1965, the Higher Education Act was imp-- implemented through the Johnson administration. That act brought TRIO programs into existence. Nebraska was an early adopter of TRIO programs. TRIO is not an acronym. TRIO means those first three programs that were put in place around higher education that all would have the ability to pursue higher education and then careers and had-- experienced success in their lives. Those were Upper Bound, equal-- educational talent search, as well as student support services. Our University of Nebraska still hosts TRIO programs. That is something for us to be proud for Nebraska. That means that we promote equity here. It goes across those with disabilities, those that have disadvantaged backgrounds because of being first generation, low income. It expands the gamut. We've had misinformation this afternoon about what is affirmative action. Affirmative action is not DEI. Diversity and inclusion goes well beyond affirmative action. So I want to correct some of those misnomers that we have heard through the narrative of the bill as well as some of the other testimony that has been delivered today. I greatly encourage you to not push forward LB1330.

**ALBRECHT:** Thank you for your testimony. Do I have any questions of the committee?

**CONRAD:** Thank you.

**ALBRECHT:** Seeing none. Thank you for being here.

**KAREN BELL-DANCY:** Thank you.

**ALBRECHT:** Hi.

**KEELIE STRATING:** Hi. I'm sorry. I had this printed off and I lost track of it. I apologize.

**ALBRECHT:** That's OK.

**KEELIE STRATING:** Hello. My name is Keelie Strating, K-e-e-l-i-e S-t-r-a-t-i-n-g. Thank you for the opportunity to speak on LB1330. The Midwest is and always will be my home. I was born and raised in a predominantly white, rural Midwestern town, with the graduating class of '98, myself being the only black student, along with less than ten other students of color. Growing up in this environment, I learned very quickly that to be black, to be trans, and to be queer was something that means being ostracized by my community, threatened by my community, left scared, lonely, and confused for the first 19 years of my life. I learned that in order to keep myself safe, not only mentally but physically, I had to keep the parts of myself that make me, me hidden and quiet. I learned to be ashamed. When I moved to a much more diverse city for college and learned about all of the diversity, equity, and inclusion groups and opportunities on my campus, I was ecstatic. Myself, my peers, and my friends, we all find so much comfort within these spaces-- a home that many of us never had growing up and would never have had if not for these groups and organizations. This country is and never will be built to support the safety, rights, or happiness of minorities. As a political science major, I am more than aware of the decades of oppressive institutions that have been permanently ingrained within America. And when our community, our state, and our country are not spaces where we can exist authentically with people who support and understand and a place that keeps us safe, we build those places ourselves, and we finally have places where we can be safe, supported, understood, and seen. This bill would rip all of that away from us, making our campuses and our schools dangerous, leaving us vulnerable, defeated, lonely, and, most importantly, scared. We are genuinely and truly scared. This is not an exaggeration. And I know I'm not the only one who has been losing sleep and tears over this bill. So today, I urge you all to join myself and my peers and many others in this room in opposing LB1330. Thank you. And if you have any questions, I am here.

**ALBRECHT:** Thank you for your testimony. Do we have any questions from the committee?

**CONRAD:** Thank you. Thank you.

**ALBRECHT:** Seeing none. Thank you for for coming and your testimony. Next opponent.

**JESSI HITCHINS:** Hello, committee. I'm Dr. Jessi Hitchins, J-e-s-s-i H-i-t-c-h-i-n-s. I'm a multiple-time survivor of sexual violence,

twice before entering college over two decades ago. Being a teen, I was groomed by a man more than twice my age and was assaulted by him. I was also a victim of a drug-facilitated sexual assault by a peer boy on my graduation night from high school. Even as a gender-inclusive advocate, I have a difficult time sharing these crimes that were done to my body. It was college where I learned that these acts were part of gender-based violence. I learned that this-- through our Campus Gender Center alongside my program of study in social sciences. I was able to practice what I was learning in the classroom with my peers for the betterment of everyone. Additionally, I learned that I am a typical statistic. As a bisexual woman out at that time in the early 2000s, nearly 75% of bisexual women experienced sexual violence in her lifetime. I'm also a statistic when it comes to not reporting. Only 20% of college-aged students-- women-- report to authorities, and, for me, that came from the real fear of not being believed or taken seriously. I found support and healing in confidential resources. And because of their positive impact, I became a gender justice advocate as a career. This is-- often, all victims are seeking for this crime is to be believed and heal. What I know as a practitioner is that there-- is that when compounding identities outside of mine, such as race, citizenship status, language access, gender-expansive identities, people have a higher likelihood of having gender-based crimes committed against them, as this crime is about power and control. To end gender-based violence, we must talk about those who are causing the harm-- typically men-- and when-- and be strategic about this. My partner is a man and I love him dearly. My father: role model, healthy masculinity to me my entire life. Everyone must be part of the solution and to do this so we need to understand and address the ways that power and privilege impacts these crimes significantly in nuanced ways. Statistics also tell us most men are not causing the harm. And while everyone is a part of the solution to eliminate this crime, we must need men to especially stand up to speak about, about these crimes. Reflecting on my own experiences, let me-- reflecting on my own experiences, I cannot tell you how many adult men witnessed this middle-aged man grooming me as a teen over months and they did nothing. This is a solution. I have seen the solution in practice and work. And how might this also law affect academic programs that are addressing this crime-- programs such as criminology and criminal justice, education, public health, psychology, sociology, education? We have brilliant scholars in the Nebraska system working to end gender-based violence through an intersectional lens. These programs must have these realities accredited within this university. If these programs are not accredited, the University of Nebraska system will quickly decline in their caliber of faculty, followed quickly by the

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loss of students attending, which leads young people to move out of the state. I do gender justice work because I know the great positive impact it has on all of us. This bill will have significantly negative impact on our state, which has ripple effects for years to come. Any questions?

**ALBRECHT:** Thank you.

**CONRAD:** Thank you.

**ALBRECHT:** Do we have any questions from the committee? Seeing none.

**CONRAD:** Thank you.

**ALBRECHT:** Thank you. Next opponent.

**ETHAN GONZALEZ:** How we doing, y'all?

**ALBRECHT:** Hello.

**ETHAN GONZALEZ:** My name is Ethan Gonzalez, E-t-h-a-n G-o-n-z-a-l-e-z. I want to offer today a little bit of a diverse perspective, if you will, as now a state student at the University of Nebraska. I am from Dallas, Texas, originally. And when I came up here in 2020, I definitely felt adrift. While yes, COVID played a huge part in why I really did not feel any on-campus community, a big part of that was also the fact that, as an out-of-state student, I come here-- I came here knowing two people, my two-- best friends from college-- or, from high school. And over the course of the last three years, my grad-- since I've graduated-- or, [INAUDIBLE] started till I graduated, they both transferred out to other states. This is because they did not feel a similar connection to the campus, to the city, to the state that I felt. The reason why I was able to feel this connection was through DEI efforts and through my fraternity, Sigma Lambda Beta, which is a Hispanic-based fraternity, the first one in the state of Nebraska. And they really helped me connect with the people on campus and the community on campus. I never expected I would be in Nebraska more than a year. I had a transfer offer to Cornell University in New York. And I fully came here and planning to take that, that opportunity. But four years later, I'm still here. I have a full-time job-- not at the university, but through a private employer. I also volunteer my time coaching youth soccer in the state because I want to give the love of the sport that I felt growing up to these children in Lincoln and Omaha. But let's go more back onto the DEI efforts, right? I came through a scholarship, which put me into OASIS, which is ran through the Office of Diversity and Inclusion. And through OASIS, I

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was able to find a community-- not just full of Hispanics like me-- full of, you know, people of different races, including white people, including black people, including Natives, which, you know, as a Texan, I don't really see too many Natives. So it was a really interesting experience to learn about different cultures in this state. Even to learn about the Midwestern culture because I know some people don't feel like there's a, you know, a big, broad Midwestern culture. But there is, and there's the Nebraskan culture, which I have been so grateful to learn more about and to really embrace. I took a very great class about immigration, which this bill would ban, where it talked about Europeans coming to Nebraska and how it created a Nebraskan culture which is very vibrant and which I love and hold dearly. Please, please, please do not pass this bill because it does more than what is needed. We must come back, look at this bill, and as the soror from Delta Sigma Theta said, it covers just small access to DEI. It does not cover the whole picture. You need to realize the whole picture of DEI is about Nebraska. It is not about black and Hispanic culture. Thank you very much. I'm open to any questions.

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

**CONRAD:** Thank you.

**ALBRECHT:** Any questions? Did you have one?

**ETHAN GONZALEZ:** Oh, yes.

**ALBRECHT:** [INAUDIBLE].

**WAYNE:** You made me go to my office and get my fraternity pin. I was trying to-- I was like, man, let me go find my pin after all this, so. It's-- not [INAUDIBLE].

**ETHAN GONZALEZ:** But yeah, I got some, I got some brothers watching right now in the room, so thank you.

**ALBRECHT:** Thank you very much. Next opponent.

**ANAHI SALAZAR:** Good evening.

**ALBRECHT:** Hello.

**ANAHI SALAZAR:** Good evening, Chairperson-- or, 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 the policy coordinator for Voices for Children in Nebraska. I'll-- a lot of this is what has already been

stated, so I'll kind of quickly go through it. But children across Nebraska deserve to be-- feel seen for who they are. It is vital for teachers, counselors, health care professionals, and other professionals that interact with children to be trained and value-- and valuing their unique, beautiful diversity and promoting equity and inclusion to see them thrive. Voices for Children in Nebraska opposes LB1330 because it would disallow public higher educational institutions from participating in activities and hiring, hiring individuals in roles relating to diversity, equity, and inclusion. These are crucial topics for our teachers, caseworkers, probation officers, and other system professionals who interact with kids every day to understand. Eliminating these positive practices opens the door to exclusion, extending far beyond a student's college years. Exposing to meaning-- meaningful dialogues during their college experience ex-- equips, equips students critical thinking skills and a broader perception that, in turn, enables them to appreciate and value individuals from-- different from themselves. In one example, a recent report by UNMC, The Status of the Health Care Workforce in the State of Nebraska highlights a dack of-- lack of diversity among our, our health care providers, with 87% of physicians being white; 1.6% black, African American; and 2.6% were Hispanic, Lati-- Latino. Consider this data in light of health disparities between white, non-Hispanic children in Nebraska and their peers who are black and brown. When college students are exposed to DEI programming, they can learn about cultural relevance and background, preparing them to better serve the populations they work with. And that goes across all professions. We cannot address disparities in outcomes for kids if our professional workforce has not trained the need for equity and inclusion among the diverse youth and populations they will serve. DEI work is not only supportive to individuals, but also holds potential for positive transformation across society. The commitment to DEI is fundamental in ensuring the flourishing of every child. Thank you, members of the Education Committee, for listening. And respectfully urge you not to advance LB1330. Thank you. And I'm available for any questions.

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

**WALZ:** I just have a quick question.

**ALBRECHT:** Senator Walz.

**WALZ:** Speaking of children, is your baby here?

**ANAHI SALAZAR:** No. I almost brought him, but it would have been a long day. I know.

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**WALZ:** I know. But thanks for your testimony.

**ANAHI SALAZAR:** Yeah.

**ALBRECHT:** Thank you.

**ANAHI SALAZAR:** Thank you.

**ALBRECHT:** Seeing no other comments. Next opponent.

**VIVIANNE CLARK:** Good afternoon, Senator Albrecht and members of the Education Committee. My name is Vivianne Clark, V-i-v-i-a-n-n-e C-l-a-r-k. And today, I am opposing LB1330. I am a student at the University of Nebraska-Lincoln, majoring in English with minors in sociology as well as racial justice, equity, and inclusion. Every student at UNL is required to complete the Achievement-Centered Education Program, which guides students to satisfy ten specific student learning outcomes. ACE outcome 9 motivates students to exhibit global awareness or knowledge of human diversity through analysis of an issue. Within an ACE 9 class, all of the subjects, theories, and issues prohibited within this bill have the potential to be discussed and analyzed to expand a student's worldview. As students at UNL, we are not only expected, but required to educate ourselves on issues relating to diversity. As a Husker, I am proud to proclaim that UNL's dedication to diversity, equity, and inclusion has held steadfast through the division and unrest we have experienced nationwide in recent years. Although I am delighted to now call Nebraska home, I was not raised here. I graduated from high school in Ohio and initially applied as an out-of-state student. In my college discernment process, I found that UNL's Office of Academic Success and Intercultural Services, or OASIS, and the Office of Diversity and Inclusion demonstrated a welcoming, united campus culture, which was a major factor in my application to UNL. During my first semester at college, I had the opportunity to take a class centering on African American history, which challenged me to gain a more nuanced understanding of our great country. The curriculum revealed historical perspectives on the tangible roots of many issues we are still facing as a nation today. That class is made possible by the Ethnic Studies Department, which works in conjunction with the Office of Diversity and Inclusion. After that course, I established my minor in the Ethnic Studies Department. And I have never regretted that decision. This bill's efforts to remove diversity, equity, and inclusion programs would gut funding for OASIS and the Office of Diversity and Inclusion. I cannot express how much harm this would cause to campus culture and student unity. Proponents of this cause have often cited DEI programs as

divisive due to the attention they draw to personal identity and systems of power. I disagree. My experiences with DEI have forced me to reconcile with my own identity and how I fit into a world I did not ask to inherit. But it has never made me feel ashamed of who I am. I see my classmates' differences, and I celebrate them. It can be easy to feel lost in a big school, especially if your identity is overlooked or devalued. Our campus actively benefits from the funds dedicated to OASIS and the Office of Diversity and Inclusion because they make people feel seen. By acknowledging our differences, we learn each other's strengths and weaknesses, which reinforces the community that made me fall in love with Nebraska. Thank you.

**ALBRECHT:** Thank you for your testimony. Any questions for Ms. Clark? Thank you very much. OK. Next opponent.

**JAMES HAWTHRONE III:** Good evening. My name is James Hawthorne, J-a-m-e-s; last name, H-a-w-t-h-r-o-n-e, and I'm the third. I would like to begin by stating that I am a proud veteran of the United States Army, having served in the 3rd Battalion, 15th Infantry as a combat medic. I also identify as a service-connected disabled veteran. Vice Chair Albrecht and members of the committee, I am here in opposition of the proposed effort to prohibit public educational institutions from taking certain actions relating to diversity, equity, and inclusion, also known as DEI. As a current doctoral student in the College of Education and Human Sciences at the University of Nebraska-Lincoln, I understand the great value that the Office of Diversity and Inclusion brings to the university culture and to the state alike. While there are misconceptions as it relates to the work of these departments and personnel, I must inform you that these offices serve and support students from all walks of life, various cultures, religions, races, identities, and socioeconomic backgrounds. Further, the efforts put forth by these departments serve the whole of the college campus, our community, and society. I must stress the fact that prohibiting DEI will not only have a negative effect on the accomplishments and successes that our institutions of higher learning here in this state have realized since the inception of these departments, but it will also be a move in favor of preserving an agenda that, that upholds systems and practices that disparately impact marginalized student populations by stripping them of their right to belong. I must also emphasize the importance of prioritizing the work of equity, diversity, and inclusion. Seeing inclusive excellence is a strategic aim at many of the public IHLs throughout this state. Make no mistake: a decision to prohibit public educational institutions from taking certain actions relating to diversity, equity, and inclusion is not inclusive excellence. Rather,

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such actions are to the detriment of belongingness and inclusivity. The state of Nebraska aims to ensure-- if the state of Nebraska aims to ensure that its public IHLs continue to blaze new trails in educating and preparing our students for the future work, then it is imperative that we maintain a steadfast dedication to DEI initiatives. As such, I ask this-- that this committee affirm its commitment to the important work of equity, diversity, and inclusion by postponing LB1330 indefinitely. Thank you.

**ALBRECHT:** Thank you for your testimony. Thank you for your service as well. Any questions from the committee? Seeing none. Thanks for being here. Next opponent.

**BILL ARFMANN:** Hi. Senator Albrecht, members of the Education Committee. My name is Bill Arfmann. That's spelled A-r-f-m-a-n-n. I'm here on behalf of my family and on behalf of Nebraskans for Peace to speak in opposition to this proposal, LB1330. What I would like to do in, in the interest of allowing others to speak is to ask that, that my testimony, which I pa-- passed along, be written into the record. And, and I'd like to simply conclude with deeply held convictions-- like Senator Murman, I, I'm a proud graduate of the University of Nebraska. I think the choice betw-- before this committee is a choice be-- between furthering divisions in Nebraska by advancing this proposal or choosing to listen to the deeply held convictions that are here on both sides of the issue. But I, I think that should, should you choose to listen, I think the only answer is to kill this bill. That's, that's my conviction. My conviction is that the path of listening and moving in the direction of more unity is, is, is the, the prudent choice and the wise choice for this committee and for the Legislature. With that, I'm happy to answer any questions.

**ALBRECHT:** Thank you, sir. Any questions from the committee? Seeing none. Thank you for your testimony. Next opponent.

**NYARIAL NYOAK:** Good evening, Vice Chair and the Education Committee. My name is Nyarial, N-y-a-r-i-a-l; last name: Nyoak, N-y-o-a-k. I'm currently a fourth-year political science student at the University of Nebraska-Lincoln. And during my tenure at the university, I've had experiences and witnesses-- witnessed firsthand the positive impact that diversity, equity, and inclusion has both to myself and as well as my peers. From being a member of Zeta Phi Beta Sorority, Incorporated, a historically black Greek-letter organization to being a member of the Afrikan Peoples Union, one of the prime black student government organizations on campus, I can proudly say that my time in these organizations and my experiences that I've had within these

affinity organizations have made my four years on campus worthwhile. And while I understand that our primary focus as students is to obtain our degree-- that's always the first thing. You get to get your degree-- I think it's also safe to say that people also go to school and [INAUDIBLE] things for people. People join people. Students want to attend an institution where they can see their peers, students, faculty, staff that look like them and can experience-- understand their lived experience. And it may not-- [INAUDIBLE] be understand. It can also be support them through those lived experiences. At the University of Nebraska-Lincoln, fall enrollment has dropped, from over 26,000 students as of 2017 down to 23,600 as of fall of '23. And I understand COVID may have had a little bit of impact regarding the enrollment rate, but LB1330 can also have a potential impact to this-- a negative impact at that. And regardless of whether or not you identify with a diverse background or not, DEI belongs on institutions, on public institutions. And it is-- benefits everyone. And whether it is through extra support you received through, like, mentorship or through faculty and staff or from being able to have a sit-down conversation, a lot of uncomfortable conversations have-- DEI provides an equitable playing field for students that identify with these diverse backgrounds. Therefore, again, as I said earlier, DEI does belong to public institutions. So to the Education Committee, me sitting here as a black woman who attends a land grant institution in this state, who attends an R1 institution in this state, who attends the flagship institution in this state, I ask you guys to think about the long and negative implications that LB1330 will have to not only to the students such as myself, to the staff members, faculty, and public institutions if advanced from the committee. With that said, I will yield the rest of my time. And I'll be open to any questions.

**ALBRECHT:** Thank you for your testimony. Any questions from the committee? Seeing none. Thank you for being here. OK. Next opponent. Hi there.

**DISMAS NSABIYUMUA:** How are you doing? Hear me? I apologize if my words are more lame in terms. I was promoted to speak about four hours ago, so I didn't really have anything in mind.

**ALBRECHT:** That's OK.

**DISMAS NSABIYUMUA:** And I don't keep a thesaurus in my head, so, you know--

**ALBRECHT:** All I need you to do is say your name and spell it.

**DISMAS NSABIYUMUA:** [INAUDIBLE].

**ALBRECHT:** [INAUDIBLE] talk about whatever you want to talk about.

**DISMAS NSABIYUMVA:** My name is Dismas Nsabiyumva. That is D-i-s-m-a-s; last name, N-s-a-b-i-y-u-m-v-a. On a connectional point, everything that has to do with DEI has promoted me to grow from the-- from my very youth. I'm an immigrant that has immigrated from Eastern Africa. If I was not, if I was not in programs [INAUDIBLE] DEI as a young child, I would have died on the streets that I laid. But if I really want to get down to the conclusion of why LB1330 is so detrimental to the community, we need to understand why we've been built up so far. People of mar-- marginalized ethnic groups, racial groups, sexual groups are less likely to a-- to employ and go to college because of many reasons, but a multitude effect of that is that we have nobody within our groups to represent us correctly. So we have nobody to look forth to, to, to see that college is a good example as to what we should strive for. In doing so-- if we look, if we look to, to push forward LB1330, we'll, we'll once again revert back to that state. As of right now, pretty recently, more, more people of diverse groups have been attending college. And we found that there's been a success in intelligence because we know that diverse groups are, are better for the succession of a nation more than a homogeneous groups. If we, if we conclude this-- if we conclude this bill and it follows through, we will revert back once again. And members of our community, members of our state, the members of our cities will once again fall back to homogeneous thought processes, which will nullify our progression as a nation. If we really want to see the people of our-- of-- the people of our nation progress, we need to allow people of different backgrounds to succeed. How will we do that? We will need to allow the funding within our schools to promote those people to come down here. A major factor for many people attending schools is the type of environment that they provide. I myself benefited from that fact as well. I received a sol-- scholarship that promoted-- that promoted diversity, which allowed me to come down here. I'm a great-- I praise the Lord on this fact because I am not on my way to rec-- I'm on a plan that will allow me to receive my doctorate in physical therapy. Had I not been in any program, had I not received any of the support that the-- that the DEI supports-- well, I wouldn't have been anywhere in my life. And so that's why I stand here as an advocate with many people. You can see the hunger that, that strides within us as we're antsy to talk to you, as we're antsy to stop this from going on and reverting us back to a struggling state. I ask you all to not pass this bill. Thank you.

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**ALBRECHT:** Thank you for your time. Appreciate that. Any questions? Seeing none. Thanks for being here.

**DISMAS NSABIYUMVA:** Thank you.

**ALBRECHT:** OK. Next opponent.

**MARIAH MAY:** Hello, everyone. My name is Mariah May. Mariah, like Mariah Carey, M-a-r-i-a-h; May-- [LAUGHTER]-- I can't sing like her, though, sadly-- and then May, like the month, M-a-y. So before I begin, I just want to clarify some of the issues that we have with this bill. And it's-- what Senator Murman mentioned earlier, about not only wanting to stop funding for diversity, equity, and inclusion programs for educational institutions but also wanting to stop diversity, equity, and inclusion training. Now, I just want to clarify what equity means. Equity is giving people-- it's not-- equity is not discriminatory. It gives people what they need so that they can be equal to their peers. For example, earlier, we mentioned how one-- a certain individual needed a microphone so that he could better be heard and understood. That is equity. That is not discriminatory. Or earlier, another lady mentioned how she was hard-of-hearing, and you all saw that she had a hearing aid. That is an example of equity, not discrimination. Now, earlier today, many people mentioned how we want professors and students to express their opinions and how we're scared of freedom of speech and expressing what we feel, but we're eliminating the opinions of others if we do not incorporate and integrate diversity, equity, and inclusion. The-- we mentioned how college campuses are an arena of ideas, but we lose ideas when we lose diversity, equity, and inclusion. We need people with different perspectives to come together and learn from each other and learn from one another so that we can build a better state and a better country. We hear-- we need to protect the students, and diversity, equity, and inclusion does that. Without DEI, students of color cannot contribute to the conversation because we will lose our protection. No one will want to come to Nebraska, no one will want to stay in Nebraska if we do not feel seen or heard. Passing this bill will drive out students of color and staff members in-- with various cultural and racial and ethnic backgrounds. Removing DEI training is actively taking a stand against people of color, the effort to understand us, the effort to incorporate us into educational success. On top of that, if we do not have staff members that are-- that want to understand us and try to understand us, then we are not receiving full and equal access to education. Diversity-- and then just to touch on the point that was mentioned earlier about diversity statements and the fear of those, diversity statements aren't just about race. It's just-- diversity

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statements allow people to say there are different backgrounds and how they want-- need education to make their experience better. Now, 1%-- speaking on UNL specifically, 1% of UNL's budget came from-- or, was-- contributed towards averse-- Office of Diversity and Inclusion. And then after budget cuts, 49% of that budget was cut. That is not equal, and that is not-- that does not protect us. What percentage of the university are we trying to support here? There are only 18.8% students of color or racial ethnic backgrounds at that university, and we just cut half of their budget. That does not support them, and that does not uplift the community or bring us together. We need diversity, equity, inclusion, and that is why I oppose this bill.

**ALBRECHT:** Thank you for your time. Any questions? Seeing none. Thank you. Next opponent. Hi.

**SYDNEY KWASA:** Hello. My name is Sydney Kwasa, S-y-d-n-e-y, like Australia; and Kwasa, K-w-a-s-a. And I am testifying in opposition of LB1330. I am a college student, and today I am scared. I am angry. And I am disappointed. To pass this bill is to not only take away our First Amendment right, but to also take away safe spaces for students and safe training for others. I'm a black woman born to an immigrant father, and I was born and raised in Nebraska. I've experienced firsthand how racism and discrimination affects me and those around me. By taking away diversity, equity, and inclusion programs and clubs is ignoring the things that are very real and very lived experiences. Just because certain white people choose to see people of color as just Americans-- as I read in the hearing that was-- happened a couple weeks ago-- it doesn't mean that everyone else does or should. To treat every person of color as just American diminishes the history-- diminishes the history of my father and his brothers. And that-- was-- immigrated here from Nairobi, Kenya. They are proud immigrants. This country was built on immigrants who were not born Americans. There has been stu-- there have been students who have packed up their stuff and left because of this bill. And if I had the money, I know sure as hell I would. Instead of trying to get rid of this training, let's start by teaching our children. We have to agree that my children will look different from the rest of yours, and that is OK. But we also need to treat them that just because we all bleed red does not mean that a cop will look at our-- I'm going off script here. Does not mean that a racist cop will look at our children the same. We-- what makes us unique is what is on the outside, and these safe spaces that we have at our colleges, it's what is giving-- this-- it's what's giv-- these safe spaces are real, and these safe spaces are important. We have all lived different experiences, and that is what makes us unique. And I hope-- I urge you-- I'm going back on script here. One second. Man,

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just-- don't tell me to ever go back off script again. Y'all need to stop me if I do that again. When I first came to school, I felt isolated. It wasn't until I found DEI programs in clubs until those made me feel safe and they made me feel seen. If these programs get taken away, what message is this trying to spread about Nebraska, that we are unwelcoming and unwilling to give safe spaces to those who need it most? You do not care about equality. You are silencing our voices. I urge you all to not pass this bill and to open your minds to realize that you guys are not the only ones who have lived and experienced life. I would like to conclude by saying Happy Black History Month to all. Thank you.

**ALBRECHT:** Thank you.

**SYDNEY KWASA:** I'm open to any questions.

**ALBRECHT:** Thank you. Do we have any questions of the committee? Seeing none. Thanks for being here.

**SYDNEY KWASA:** OK. Thank you.

**ALBRECHT:** OK. Next opponent.

**MARCUS McCASKILL:** Hello, Chairman Murman, Vice Senator Albrecht, and the Education Committee. My name is Marcus McCaskill, M-a-r-c-u-s M-c-C-a-s-k-i-l-l. And like Dismas, I got a scholarship that put me right here at University of Nebraska-Lincoln. And so I'm an undergraduate down at that school. While I'm not from Lincoln, I come from Omaha-- a place with nationally renowned segregation. Fortunately enough for myself, I was born and raised on the more comfortable side of Omaha, which was northwest Omaha. My mother knew growing up around an area which featured less diversity would ultimately provide me better access to schooling and extracurricular opportunities even within publicly funded institutions such as OPS. Sadly, this was true. On the flip side, growing up in this section of Omaha left me to typically find myself being the only minority in my communities, be it church, school, or sporting events. I'd wondered why I felt secluded and put off until I was discriminated against bluntly and directly as a child by teachers and adults alike, individuals who should have life experience and training in accepting others for something so minimal as a difference in skin color. So who am I now? What am I sitting here to say? A student in the class of 2028 Professional Program Veterinary Medicine at UNL-ISU, CASNR Dean's Office student worker, molecular diagnostics lab worker, stand-in father, and boxer are just a few titles I hold. Truthfully, though, I would not be able to claim any of

those titles or rise to my current success if it were not for the DEI efforts I just mentioned earlier or the DEI efforts I've been provided in this state. Earlier, I'd mentioned I grew up on the comfortable side of Omaha. Unfortunately, though, I took schooling on what is known as the not-so-nice side of Omaha, which is north Omaha and Omaha North High School. Of all my personal experiences with social economic inequities that plague individuals whom are uplifted by the wing of DEI, I must say the simple class composition in my high school put the reality of the issue right in my face. I almost exclusively took honors classes when possible and began finding myself dual-enrolled in AP classes since before my junior year of high school. And while the composition of the student population at this high school was about 74% minority students, I was shocked when I walked into each and every of my AP classes or honors classes and there was never more than three minorities in my class of 25-plus. The rest were Caucasian students. Therefore, I must ask, what possible reason could it be that with a near 3/4 minority population within this public institution representation of minorities is, is not properly displayed in higher level honors and college classes, being anywhere from 3% to 15%? That said, most of my peers-- minority peers-- barely graduated and stayed in Omaha. Unfortunately, even though I graduated less than three years ago, some of them died there due to violence. DEI combats these previously ment-- mentioned issues by promoting education on problems related to race, social inequality, gender issues, and much more. To put it frankly, I am shocked to see people with power to enact real beneficial change try to put a wall up in the face of education, something that can bring us together, especially when it's been shown to make our disadvantaged even more successful. If one doesn't believe this is so, let my mere existence before you-- as all my titles previously mentioned, but most notably a minority from a single-parent household-- be a direct counter to that belief. As I stand before you today, the very fact that the futures of I and many others are threatened by the passing of LB1330 that are equality [INAUDIBLE] society is far from level. Thank you.

**ALBRECHT:** Thank you very much for your testimony. Senator Wayne.

**WAYNE:** I do have a question because you raised a, a pet peeve of mine. What, what are you enrolled in?

**MARCUS McCASKILL:** A few things. I think one of the ones I mentioned was the vet school here at UNL.

**WAYNE:** With Iowa State?

**MARCUS McCASKILL:** Iowa State and UNL.

**WAYNE:** Yeah.

**MARCUS McCASKILL:** Yeah. I-- it's not my preference. It is not my preference.

**WAYNE:** No, no, no. The-- so people on the Educa-- this is, this is a pet peeve of mine, that we don't have a veterinarian school, so.

**MARCUS McCASKILL:** Yeah.

**WAYNE:** So, so-- af-- wow. I didn't know there was so many people that thought that way. So after you go to Iowa State, are you thinking about coming back or are you thinking about going somewhere else?

**MARCUS McCASKILL:** I was thinking about going out of the country in general, to start a rehab site.

**WAYNE:** I know. I was looking up houses earlier today on my way home-- I mean, on my way down here-- in Italy, so. Yeah, I'm on the same page.

**MARCUS McCASKILL:** Yep.

**WAYNE:** It's been a long day.

**MARCUS McCASKILL:** It's really--

**WAYNE:** Had a long court case this morning. But-- so when looking at schools-- and I'm sorry for people. This is, like-- seriously, I've been talking about this for two years, so I've finally got somebody I can talk to about this. So looking at the other veterinarian schools, is that what you wanted to do when you came out of high school or you got there after you got here?

**MARCUS McCASKILL:** So-- did I want to go to Iowa or did I want to be a vet?

**WAYNE:** [INAUDIBLE].

**MARCUS McCASKILL:** I wanted to be vet since kindergarten, and I chose UNL-Iowa because I got in a year early, so I took the opportunity when I could.

**WAYNE:** Does the program not have anyone here-- is that going to cause you additional stress or additional issues or-- did you pick here

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because Lincoln was home and they gave you some money or was there other school options?

**MARCUS McCASKILL:** I picked here because the program that Dismas is also in afforded us education and promised us that if we do well in high school and break out of that barrier, that we would get a good scholarship here at Lincoln. So I came to Lincoln because of DEI.

**WAYNE:** So it's a connection to the high-- at the high school level that brought you here?

**MARCUS McCASKILL:** Yes, sir.

**WAYNE:** It's a damn shame we're going to keep losing people because we don't have a veterinarian school here.

**MARCUS McCASKILL:** True.

**WAYNE:** Thank you.

**ALBRECHT:** Thank you. Next opponent.

**ABBI SWATSWORTH:** Vice Chair Albrecht and members of the committee, I really want to say how much I appreciate you and that I am here with you for the whole night.

**ALBRECHT:** Did you spell your name?

**ABBI SWATSWORTH:** Oh, A-- Abbi Swatsworth. Thank you, Senator Albrecht.

**ALBRECHT:** No problem.

**ABBI SWATSWORTH:** A-b-b-i S-w-a-t-s-w-o-r-t-h. Also wanted to say I deeply appreciate your efforts to provide guardrails for the way that testimony could work by suggesting right, left, right, left. And also to point out, in the absence of further guardrails, people who are committed to working together on issues figured out a system by which we would all advance and have our voices heard. So thank you. I am going to try to be brief because it is a very full room and we've heard just amazing stories. I can't say how often I've almost cried. OutNebraska is speaking in opposition to LB1330, but we're taking a position that is a little broader and not necessarily just about our LGBTQ community. We do recognize that this is an issue that impacts every community member in Nebraska. And so we really looked at organizing business voices. And I know we have also had those voices submit comment, but I really wanted to have the opportunity on the

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mic, so. OutNebraska hosts the Nebraska Competes Coalition. The coalition believes in supporting nondiscrimination efforts in order to attract the best talent to increase business-to-business and business-to-consumer relationships and to grow Nebraska's economy. There are currently 116 members of the coalition from across the state. We also sent out a sign-on letter that business, nonprofit, higher education, and religious leaders from across Nebraska signed on to. And that's included-- oh, my heavens. It's been a long day, y'all. Thank you so much-- which I am including on my testimony for the record. The leaders who signed on to this letter oppose the elimination of diversity, equity, and inclusion in higher education. And they represent statewide interests from small-town Nebraska to our largest metro, stretching from the panhandle to the Missouri River. I believe we would have had additional signatures to the letter had some businesses who banded together in last session to speak out against a bill not received such difficult situations by their leadership. We did have a number of businesses sign out against LB574. Those businesses were, in some cases, doxed in terms of having their personal information shared and-- it's just dangerous also to speak out for diversity, equity, and inclusion, so. Thank you so much. I'll answer any questions.

**ALBRECHT:** Thank you for your testimony. Are there any questions from the committee? Seeing none. Thanks for being here.

**ABBI SWATSWORTH:** Really appreciate you.

**ALBRECHT:** Next opponent.

**MACY BYARS:** Thanks for hanging in there and hearing all of us. Name's Macy Byars, M-a-c-y B-y-a-r-s. I'm a junior. I'm a journalism student at the University of Nebraska-Lincoln. I'm here to speak in opposition of LB1330. I've spoken about this bill with many of my fellow students, and we do not believe that it represents our university community. I'm a born and raised Nebraskan, and it deeply saddens me to see this bill devalue the perspectives of diverse individuals. Nebraska is a friendly, welcoming state full of wonderful people and wonderful ideas, and I want our educational environments to continue to reflect that. Hearing the perspectives of diverse students and faculty has, without a doubt, been the most enriching part of my time spent at UNL, and that wouldn't have been possible if they didn't feel welcomed in the classroom. All of these people have made me a more thoughtful student and member of society. Last year, one of my political science professors was Polish, and he en-- he encouraged me to think of problems outside of the Western perspective I had on

politics. One of my coworkers on campus speaks Spanish as a first language, and she's always happy to answer the questions I have left over from Spanish 102. I took a poetry class taught by a transgender woman, and she taught me the power of speaking from my personal experiences. And her own academic success deeply encouraged my LGBTQ classmates. Many other students in my classes offer their opinions every day, all of which are informed by their backgrounds and experiences, challenging me to consider where my own thoughts and beliefs come from. That ability to think critically about what I believe has made those convictions stronger, and I don't think that's a skill you can learn in a book. If this bill passes, underrepresented students won't be the only ones missing integral parts of the great education this state's schools offer. When you devalue one student's perspective, you're depriving other students of what they have to offer. It's the same reason students suffered during the pandemic. We learn from our interactions with each other, and everyone needs to be present and welcome for that to happen. This bill has a message of exclusion that does not fit with the spirit of Nebraska. Nebraska has a problem with losing our college graduates, and it will only worsen if we allow a large portion of our future workforce to feel unwelcomed by erasing the programs that help them through their education. DEI programs ensure students from backgrounds traditionally underrepresented in higher education have access to the experience they deserve. When students feel supported, whether that's through a DEI program or seeing themselves reflected in their studies, the confidence they gain allows them to thrive throughout their education and career. That's a kind of joy I personally felt and that I hope all of Nebraska students continue to experience. Thank you.

**ALBRECHT:** Thank you very much. Appreciate your testimony. Any questions? Seeing none.

**MACY BYARS:** Thank you.

**ALBRECHT:** Thanks for being here. OK. Next opponent.

**B LITTMAN:** Good afternoon.

**ALBRECHT:** Hi.

**B LITTMAN:** Or, I guess, evening at this point.

**ALBRECHT:** Evening now, yeah.

**B LITTMAN:** My name is B Littman, L-i-t-t-m-a-n. And I'm a third-year engineering student at the University of Nebraska-Lincoln. As a member

of both the Jewish community and a nonbinary individual, I am before you to express my concerns about the potential implications of LB1330 on diversity, equity, and inclusion within our educational institutions. On-campus diversity, equity, and inclusion programs and funding play a crucial role in preparing students for their future careers and beyond college. When I started at UNL, I was the first Jewish person and the first nonbinary individual that many of my peers had ever met. Engaging in dialogue expanded the horizons of my peers, creating an understanding of different perspectives in the world beyond their hometowns. UNL hosts Husker Dialogues, an event encouraging first-year students to engage in conversations about inclusivity, diversity, and understanding every fall. Husker Dialogues is hosted by the Office of Diversity and Inclusion with the support of student and staff volunteers, empowering students to engage in discussions like those that I had with my peers. Having had the opportunity to volunteer to lead these conversations, I have witnessed firsthand students walking away from the program more aware of the value of inclusive language, willing to exhibit allyship, and engage in other programs across campus. Despite having programs that encourage dialogue and attempts to create inclusive environments, resources on campus that support students of minority identities are equally, if not more, important. When I experienced homophobic and transphobic remarks from a peer mentor, I turned to the Gender and Sexuality Center, whose staff supported me and helped me get connected with the correct individuals to remedy the situation. With growing anti-Semitism across the country, I've been able to turn to faculty within the Judaic Studies Department and the Office of Diversity and Inclusion to ensure that students on campus feel safe and remain safe. As a student in the College of Engineering, we've been encouraged to be complete engineers. One of the six components of a complete engineer is inclusive excellence, which encourages interacting with and connecting with people of diverse identities. If we want students to be prepared to navigate the real world postgraduation, we must actively work to expand their horizons so that everyone can collaborate effectively. By fashioning an inclusive environment that embraces diversity and encourages everyone to feel welcome, we prepare students to work alongside individuals who are different from them, both professionally and personally. In conclusion, diversity, equity, and inclusion programs benefit all students on campus and create Huskers ready to impact the world both in and out of Nebraska. I oppose LB1330. And I'm happy to answer any questions.

**ALBRECHT:** Thank you very much. Very good. Any questions? Seeing none. Thanks for being here. Thanks. Next opponent.

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**CORIE McCOWIN:** Hello. Greetings to the Education Committee. My name is Corie McCowin, C-o-r-i-e M-c-C-o-w-i-n. And I am here representing as a student of the University of Nebraska-Lincoln, especially as a member of the communities of the Office of Academic Success and Inta-- Intercultural Services and the Office of Diversity and Inclusion. And I stand in opposition of LB1330. I especially stand against the language used in association with diversity, equity, and inclusion, such as justifying differential, differential treatment on the basis of race, sex, color, gender identity, or sexual orientation, as well as advancing theories of, of unconscious bias or implicit bias, microaggression, or group marginal-- marginalization, and the list goes on. I cannot say that I would attribute DEI to any of these issues. And as previously-- as a prospective student of the university, I was drawn to the university by the College of Journalism and Mass Communications, but that is not at all what has kept me there. There is a building on campus that has been one of the championed characteristics of the university. When tour guides come through giving tours to first-, first-year and incoming students, giving them some of their first experiences to the UNL campus, they say this is the largest multicultural center connected to a union in the nation, which holds programming for minority and low-income students. These are some of the first pieces of information that students get about certain groups on campuses of the university, which I see as statements of inferior-- inferiority. This language is nothing that many of the people who call Gaughan a home can agree with. The Jackie Gaughan Multicultural Center is somewhere where I have found support and much education on the basis of diversity, equity, and inclusion. And this is why it is necessary for us to have the opportunity to highlight the real championed characteristics of DEI. And my greatest support has come from faculty who know how to handle or have advice for me based on my gender, gender, race, and other identities. And as a student of leadership in organizations, of OASIS and ODI, I feel that we have expressed that it is an open environment for all to share their perspectives no matter their background. And I have already witnessed many drawbacks and aftershocks of losing significant budget on the programming and training of ODI and DEI that benefit many students on campus. And after seeing the impacts of losing those funds, I can only imagine the impact of striking down a simple standard that ensures respect and acknowledgment for the backgrounds of students that come into the UNL community. Thank you.

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

**LINH HA:** Hello. My name is Linh Ha. That's L-i-n-h H-a. I'm a freshman at the University of Nebraska-Lincoln. And I'm here to express my opposition against LB1330. LB1330's aim to cut off public funding for DEI programs, as well as restricting the planning and promotion of them, is highly concerning. I strongly believe that it is the responsibility of the school to actively promote and talk about topics relating to DEI in order to ensure staff are equipped with the knowledge they need to advocate for their students of color. I observed this firsthand when I helped lead a DEI workshop within Lincoln Public Schools during my senior year of high school. When running through various scenarios with teachers and sharing my own experiences within the school, I discovered that teachers do not have a deep understanding of what students of color are going through. More often than not, teachers are unsure of how to support their students or make their classrooms a more inclusive place. Even now at UNL, I feel there aren't enough spaces for DEI conversations. I don't feel like I can have these conversations or share my experiences in RSOs for students of color or with the professors I see every day. Further revu-- removing DEI programs will wipe out these conversations if they were happening in the first place, and that would be truly disappointing. Without these programs, we are restricting conversations about equity and inclusion in our schools that are absolutely necessary for our students and community. This bill not only undermines the importance of diversity and inclusion, but also leaves students without anyone to advocate for them. The consequences of this bill will be extremely harmful. Students of color deserve the same respect and support as anyone else, and I sincerely hope that the members of this committee will keep students of color as the focus of their conversation moving forward. Thank you.

**ALBRECHT:** Thank you for your testimony. Any questions from the committee? Seeing none. Thanks for being here. Next opponent.

**LENNON HARRIS:** Good afternoon, Senators. My name is Lennon Harris, spelled L-e-n-n-o-n H-a-r-r-i-s. And I am a member of the government liaison committee of the, of the Association of the Students of the University of Nebraska-Lincoln. As per ASUN bill senate-- ASUN Senate Bill 24, I've been authorized to testify against LB1330 on behalf of the UNL student body. As Nebraska universities see a demographic change, diversity, equity, and inclusion programs become more and more essential, showcasing their importance and role in universities in a variety of ways. From its productivity benefits to its role in the students' lives, DEI presents itself as a necessity in educational institutions across Nebraska. DEI also plays a crucial role in modern universities. As access to university is broadened to more minority

students, the demand for inclusivity intensifies. Current programs offered at the-- at Nebraska universities encompass a variety of groups, such as religions, veterans, first-generation students, and many, many others, all providing important social networks for these groups. And in a Penn State study, study it is stressed that DEI's services are also essential to buffer the impact of discrimination and provide educational and professional development to college campuses. Counseling centers are adequate to address psychological struggles faced by mi-- minority students but are limited when these students face challenges concerning their race, gender, and other factors. DEI offers these students a place where they can confide in professionals and peers who've had similar experiences. When students see representation not only in the books they read but in the professors, programs, and university, it allows them to be-- become more engaged. Primary purpose of these programs are to make sure all the students feel welcome. And with more companies instating DEI programs and creating an increasingly diverse workforce, DEI services act as great bridges for many students to be prepared to encounter people of different social and cultural backgrounds. Many students first face individuals with, with significant differences from themselves when they go to college or join the workforce, and they turn to DEI for-- looking for assistance for these-- to overcome-- to bridge between these differences. And 76% of employers saw DEI as imperative to join-- to a workplace atmosphere. If our universities are to fully prepare our student body to join the workforce, having DEI availability is a necessity. And if the Nebraska university system wants to increase its reputation as an institution of choice, especially in the eyes of minority groups, DEI is a must-have for many students. UNL boasts the largest multicultural center-- as previously mentioned-- attached to a student union in the United States. And to prohibit diversity, equity, and inclusion in our educational institutions is to prohibit our universities from becoming as successful as they can be. To increase talent coming to Nebraska, these services need to remain in place and maximize student enrollment. And given these nationally changing demographics, the state of Nebraska and its universities must change with it. On behalf of the student-- UNL's student body, I thank you for your time and urge the senators of this committee to vote no on LB1330.

**ALBRECHT:** That's perfect timing.

**LENNON HARRIS:** I guess it was.

**ALBRECHT:** Must have tried that a few times. That's very good. Looks like we don't have any, any questions, but appreciate you coming in tonight. Thank you. OK. Next opponent.

**EDAJAH ADEN:** Give me one second to get my notes out. Good afternoon. My name's Edajah Aden, spelled E-d-a-j-a-h. I was born in Kenya, raised in Omaha. I currently attend school in Lincoln. Let me get rid of my gum. I personally faced instances of microaggression and racism, such as being called derogatory, derogatory terms like "boy" or microaggressions like being told, I bet you know how to play basketball, both happening within the residency halls of UNL. And then a year prior, I was called a stupid N-word on campus, so. These experiences left me feeling unwelcomed and, you know-- unsafe and unwelcomed. Conversation around the values of our differences are crucial, and providing a platform for these differences to flourish is essential for fostering a positive, positive and inclusive environment. Maybe if those individuals had proper understanding of these cultural-- of other cultures would have, you know, maybe-- what's it called? Having a proper understanding of these cultures would have had avoided those scenarios. I found out, I found out-- I found that-- I find this legislative bill very disappointing. If passed, it would restrict public education institutions from engaging in efforts related to diversity, equity, and inclusion. I believe this could have severe consequences, consequences on individual freedoms. This bill will be limited-- limiting discussions on unconscious biases, cultural appropriation, and other essential topics. The passing of this bill with young, diverse, talented-- would, would leave young, diverse talents leaving the state. This bill may also create a perception of Nebraska as a hostile state, potentially driving away individuals who see this state as unwelcoming. Additionally, restricting DEI programs might hinder the retention of out-of-state students. These programs contribute to more-- to a more inclusive learning environment and prepares students for a diverse and interconnected world. Many of my friends-- or, a few of my friends being out-of-state individual-- college student individuals. In conclusion, LB1330 could have far-reaching consequences on a personal level, on a personal level. I urge you to consider the impact of stifling conversations on diversity, equity, and inclusion to support an environment that values, celebrates our, our differences. And to quote myself, we're the dreamers of today and the creators of tomorrow. But LB1330 is turning dreams into nightmares and destroying our tomorrows. Thank you.

**ALBRECHT:** Thank you for your testimony. Any questions from the committee? Seeing none. Thanks for being here.

**EDAJAH ADEN:** All good.

**ALBRECHT:** Next opponent.

**McKELLAN CLARKE:** Well, good evening, Senators. It's been a very long evening, so I just want to start by thanking all of you for your continued support and staying past the original allotted two hours-- actually, way past the original allotted two hours-- to hear all the concerns about this bill. My name is McKellan Clarke. That's spelled M-c-K-e-l-l-a-n C-l-a-r-k-e. And I am just a concerned student attending UNL. While I disagree with the entirety of this bill, I want to specifically discuss why the vague nature of this bill is problematic, starting with a very quick personal anecdote. Last year, my mental health was in a bit of a rough spot. I would obsess over an individual, and it was affecting my thoughts and giving me so much anxiety that I would try to avoid being in the-- in-- being in the same physical place as this person at all times. I also didn't have valid insurance at the, at the time. So I went to UNL's on-campus counseling services, also known as CAPS. And in retrospect, I genuinely believe that making that decision saved my life. Now, what if I mentioned and added to that anecdote by stating that I am gay, first; and second, that my counselor specialized in gay men's issues? It doesn't even matter who the other person that I obsessed over is in this situation. In fact, this situation already falls under the vague scope of this bill. So if this bill were enacted at the time, I seriously wonder whether or not I would have received that assistance that I had so desperately needed. So I must rhetorically ask all of you, what would I have done instead? Again, I did not have valid insurance, and I certainly did not have the finances for uninsured, private counseling. So on that note, what about all the other students who are in times of need or crisis and/or who reach out to clubs on campus in order to find a community? What about students who have just moved here from abroad who are looking for other students who might speak the same language, language or even practice the same religion as them? Among many other minority communities. Due to the bill's vague nature, under this bill, all of these students would be hurt, along with many, many more. Again, I believe that the excessively vague nature of this bill is seriously damaging. It goes beyond, quote unquote, resolving the DEI issue-- which, in my opinion, is something that has been unnecessarily politicized. Instead, its nature and intention will cause great harm to students. As has been mentioned many times in prior testimonies, this bill sends a bad message if we decide to approve it. One reason why Nebraska has been facing brain drain for so many years now is that people do not feel welcome here, and this bill if passed will reinforce the bad reputation that

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Nebraska has with this brain drain. Therefore, for all of those members here of this committee who tentatively support this bill, I respectively urge you to reconsider your support. Voting-- I believe that voting in opposition of this bill will save lives. Thank you.

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

**McKELLAN CLARKE:** Thank you.

**ALBRECHT:** Any questions? Seeing none. Have a nice evening.

**McKELLAN CLARKE:** Thank you very much.

**ALBRECHT:** Yup. Next opponent.

**CAMERON CANNON:** Good evening.

**ALBRECHT:** Good evening.

**CAMERON CANNON:** My name is Cameron Cannon, C-a-m-e-r-o-n C-a-n-n-o-n. I'm an engineering major studying in my third year from Atlanta, Georgia, and I am also a concerned student. This is my first time taking legal counsel, so if I lack any decorum or mannerisms, please excuse me. It's quite nerve-wracking talking about a sensitive topic being so far away from home. My family has worked in education for a very long time, long before I was born. My grandmother, a retired principal, has been a great influence in my life. My grandfather and mother and father have also had a history of teaching in public school. And, in fact, a lot of them did teach history as a subject. So as you can imagine, I'm very inclined on the socioeconomics and history of our nation. And with the broad nature of this bill, I can only speak from the African experience, being of Af-- African descent. So with that being said, growing up on the better side of being disadvantaged in Atlanta with family education-- you know, living on a teacher's salary-- is pretty hard. You know, you all being on the Education Committee, I'm sure you have had a lot of issues with teacher salary and fair wages. So coming to Nebraska, I was drawn in on a DEI scholarship. And I've-- I can't tell you how remarkable it is being at the university and just seeing the amount of diversity there. I mean, I'm coming from a very progressive city. And honestly, I've never been so exposed in my entire life. I like to think of college as this melting pot of different ideas, especially with so many people coming from all across the world to learn. And I think that we take it a step further when we have those difficult conversations, especially addressing our past as a nation and how that affects us today. It's a very ugly topic. No one ever wants to talk about it. But if you have a

connection to something and you try to move on without actually addressing the damage it did, then you will just keep repeating the same mistakes. As a peer mentor to college freshmen and seeing first-generation students of all ethnicities get the support they need to be the vision of what they believe to be great in this country, I think that programs like DEI have helped them a lot, and I don't think that they would have known the first thing to do. I think it really keeps the retention rates high. I've had a lot of students from diverse backgrounds, and I can tell you that if it wasn't for these programs, they, they wouldn't have a community and they'd probably leave. I've had a lot of peers leave for not being in the right environment. I understand that there is a huge discomfort with students about the academic rithor-- rigor that it takes to be a beneficiary of these programs, but I can assure you that that couldn't be further from the truth because it takes a lot of requirements to actually stay in school, period. I'm at the red light, so. I had a lot more to say, but thank you so much for your time.

**ALBRECHT:** Well, I think you said an awful lot. And--

**CAMERON CANNON:** Yeah.

**ALBRECHT:** --I'm sure your parents would be very proud of you to know what you just did here tonight. Did a great job, and glad to hear from you. Any questions or concerns, comments? Nope.

**CAMERON CANNON:** All right. Thank you.

**ALBRECHT:** Thank you for delivering that. Thanks. OK. Next opponent. Hi.

**MURPHY CAVANAUGH:** Hello. Good evening, Education Committee. My name is Murphy Cavanaugh, M-u-r-p-h-y C-a-v-a-n-a-u-g-h. I reside in District 29. I'm here today representing myself in my own capacity. I'm a third-year law student here at the University of Nebraska College of Law. And I'm here today to oppose LB1330 and everything it stands for. While I did not attend UNL for my undergraduate stud-- studies, I had the pleasure of not only accessing diversity, equity, and inclusion programs in training at my undergraduate institution, but I continue to access resources here at UNL. I'd like to discuss the overall legality of LB1330 and the legal concerns I have as a student reading this bill and the implications of wide, sweeping, ignorant legislation such as LB1330. I'm taking constitutional law 1 and 2, and I'm currently in the legislation seminar of my final semester. So while I'm no expert, I have enough experience to recognize the issues with

this bill. First, the constitutionality of this bill is in question because of the clear animus at play. I'll spell it out for him since Senator Murman clearly does not understand what animus means. Suppose a court suspects that the government is motivated by a silent discrimination against a particular group when receiving-- when reviewing law. In that case, they'll examine it with higher scrutiny of review instead of a rational basis, where they look for a compelling reason and rational connection to achieve the means of that reason. I would argue that animus is at play here because this bill clearly applies to people of color, queer people, women, and anyone who is not fitting into the cisgender, white, Christian box. Especially given the number of bills proposed or passed in other states exactly like this one, as the packets I gave you outlined, there is clearly a targeted effort to silence specific groups. Second, the First Amendment strictly prohibits restrictions on expression of-- because of its ideas, ideas, message, subject matter, and content. This law is a content-based restriction on its face, a government regulation of speech. I'm not going to go into all of that. And then finally oppose this bill because it calls into question funding issues. To receive accreditation and funding from the federal government, law schools must comply with certain requirements. And from the law school perspective, you already have a school in Omaha on the verge of losing accreditation due to poor performance. So suppose the well-performing public institution loses its accreditation because you won't allow them to train their students on diversity efforts and have discussions about things like race in the law so that students learn how to best work and counsel clients who may be of a different race, ethnicity, sexuality, gender, age, disability, class, or religion. In that case, you are losing thousands of current and future attorneys in this state. These are good students, and you should be fighting to keep them in this state and not drive them away because you are proposing legislation from a conservative think tank. Just because you may see no value in keeping programs like these or see no benefit of DEI training, does not mean others do. I have one more thought I'll finish. Please listen to the students who have been here today. There are a lot of students here speaking, and we are the ones most affected by this law. So please listen to the students and people who have actual experience with these programs, especially the students and people of color. Thank you for your time. And I welcome any questions.

**ALBRECHT:** Any questions? Seeing none. Thanks for being here.

**MURPHY CAVANAUGH:** And I encourage you to listen to any of the attorneys on your committee to talk about the accreditation issue with law schools. Thank you.

There's thing just I guess. Are you guys OK?

Yeah. Let's go now. You know, it's cold.

It is cold.

**ALBRECHT:** Hi. Go ahead. Thank you.

**ANNIE McCLORY:** Hello. My name is Annie McClory, A-n-n-i-e M-c-C-l-o-r-y. I am currently a university student. And today, I am here to speak against proposed bill LB1330. Diversity, equity, inclusion. DEI Is a necessity. There's no beating around the bush to it. It's a necessity. DEI provides a safe space for students of all kinds to exist and learn. It gives individuals who identify as part of marginalized groups that haven't, that haven't been shown the same support as their classmates. It provides them with a place for their voices to be heard and to stand up against the injustice they face every single day. DEI also gives people who haven't had to live those experiences a place to listen and grow, to hear friends open up about their lives and how their lives have been impacted simply because of their race, sexuality, gender, class, et cetera. It truly helps create an empathetic atmosphere that encourages conversations to be had-- important conversations. Without DEI, that safe space for the conversations won't exist. Without those conversations, nothing will be fixed. To clarify something I heard proponents say, it's not white voices being silenced-- especially because, well, hi-- and you can be part of a marginalized group while white. No one is being silenced. It might simply not be their time to speak. The only silencing that would happen is-- would be if, if bill LB1330 is passed. DEI is a necessity. Thank you so much.

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

**SANDERS:** [INAUDIBLE].

**WAYNE:** Huh?

**SANDERS:** Where's everyone?

**WAYNE:** Just restroom breaks and things like that. I got a kid at home, so that's why I'm stepping out. Seeing no questions. Thank you for being here.

**ANNIE McCLORY:** Thank you.

**WAYNE:** Next opponent. Welcome to your Education Committee.

**TONI MONETTE:** Good evening, Senators of the Education Committee. My name is Toni Monette, T-o-n-i M-o-n-e-t-t-e. And as a national board member of the League of Women Voters of the United States, a 13-year-proud member of Zeta Phi Beta Sorority, Incorporated, and a higher education and nonprofit professional, I stand before you opposing LB1330. In the early 1900s, when my organization was established, DEI was an afterthought. It was borne of the very thought that we need diversity, equity, and inclusion to move our communities forward. In fact, it has moved several of the successes mentioned by some of the proponents forward in our communities. As a resident-- a lifetime resident of Nebraska, I do not have the opportunity or option to disengage from or ignore the concepts of diversity, equity, and inclusion. They are part of my lived experience every day. I count the ability to ignore these values as a privilege. To start, the definition of the activities prohibited under the bill represent a disconnect between what diversity actually shows up as in our communities and an academic definition with very little context, which can rarely be understood by laypeople. And particularly, it, it seems that there are some-- there's some confusion around those terms with the committee members. Diversity is the who around the table, and our higher education institutions are who is vast and infinite, from all ethnicities, backgrounds, and experiences, contributing to a holistic student experience where we are able to find community with each other and informed and active citizenship, which is a part of my role at the university. It will not be under the passage of this bill. If brain drain of our students is of such grave concern, we should endeavor to create Nebraska communities, educational institutions, and livelihoods that support and value our differences and our histories and the longevity of our families and legacies rather than attempt to stifle them. On equity, it refers to proportional opportunities based on the individual or community's specific circumstances. It does not mean giving the same thing to everyone. Under this context, I ask you. When you think about any great-- and I put that in quotation marks-- war or social movement that ever occurred, from Civil Rights to Vietnam, the thing in question was always power and justice. If we cannot talk about these things and teach people to understand them on the grounds of an educational institution, how do we meet our mission? How do we create communities that thrive? And inclusion, a sense of belonging. We must create spaces where authentic humans can thrive. This bill eliminates that opportunity and all concepts of it. My life's work has been to advance the culture and mission of those who have long been

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marginalized in our society, in our communities, and even in the state we call Nebraska nice. I believe in accessibility and opportunity and have advocated for it my entire life, from voting rights to serving my community directly-- for all the people. And the fact of the matter is, historical facts cannot be refuted, but history can be repeated. So I ask you to think about what this bill does. Does it repeat history or does it allow history to be taught and allow our communities to expand their knowledge? I choose to ensure that we learn and grow together. And for this reason, I oppose LB1330. Thank you so much.

**WAYNE:** Thank you. Any questions from the committee? Seeing none. Thank you for being here.

**TONI MONETTE:** Thank you.

**WAYNE:** How many more testifiers do we have today? Cool. Thank you. Just want to remind people that we do have gold sheets. If you don't want to testify but still want to be a part of the record of your opposition so you don't have to repeat things that were said, please fill out a gold sheet and it'll be a part of the record. Next opponent. Welcome to your Education Committee.

**VELMA LOCKMAN:** Good evening, Senators. My name is Velma Lockman. That's V-e-l-m-a L-o-c-k-m-a-n. I'm here to testify against LB1330. This bill will have a chilling effect on speech in a part-- in part due to this ill-defined terminology. For example, this bill includes advancing theories of transgenderism under its definition of DEI. What does transgenderism even entail? First, this term betrays the transphobic motivations hidden within this bill by using a term that implies that being trans is an ideological position rather than just an aspect of someone's being in the same way that the term homosexuality is used to invalidate people's identity by positing homosexuality as an ideological position. That aside, the term can be so narrowly construed as to pro-- prohibit training covering discrimination against trans people or so broadly so as to prohibit training encouraging respectful behavior toward gender-nonconforming students and coworkers. This term does not clearly indicate what sort of training is prohibited. This bill also prohibits training concerning microaggressions. A microaggression is a statement or action constituting indirect, subtle, or unintentional discrimination against members of a marginalized group. This prohibition will create a chilling effect against employers and educational institutions addressing bigoted behaviors that are expressed through repeated microaggressions. In effect, this bill prioritizes the comfort of

bigoted students and employees at the university over creating a welcoming environment for marginalized students and employees. The final subsection of this bill states that, quote, this section does not preclude an-- a public educational institution from offering training on sexual harassment. Senators, how on earth is the university supposed to offer training on sexual harassment that's sensitive to the experiences of LGBT students if this bill prohibits training from discussing sexual orientation and gender identity and heteronormativity? Between half and 2/3 of trans people experience sexual violence at some point in their lives. The rate of sexual violence against lesbian, gay, and bisexual people is also frighteningly disproportionately high, and those statistics become even more staggering when you account for LGBT stu-- people of color. If this bill restricts training concerning sexual harassment and violence from discu-- discussing these issues, it will put LGBT students in harm's way. That is an issue with deadly consequences. Almost three years ago, then-Regent Pillen attempted to silence conversations about racism at the University of Nebraska through a ban on, on what he referred to as critical race theory. Students testifying in opposition at the time argued that it would create a chilling effect contrary to the objectives of an academic institution. Since then, since then, the boogeyman of CRT, which was weaponized as a euphemism for those who wished to censor any candid discussions about racism, has morphed into a more expansive boogeyman of DEI, which is weaponized as a euphemism for those who wish to censor candid discussions about any oppressive social systems. Senators, if you believe in free speech and open inquiry and believe that there's a place for all students at the University of Nebraska and, and if you reject the unfortunate slogan, "Nebraska, honestly, it's not for everyone," then I implore you to reject this discourse-chilling, exclusionary bill. Thank you.

**WAYNE:** I appreciate you being here. Any questions from the committee? Seeing none. Thank you for being here. Next opponent. And we are getting more gold seats. I know a couple people just went over there. We are getting more gold sheets for you for you to fill out. Welcome to your Education Committee.

**CHANCELLOR GLASS:** Thank you, Senator. Good evening, Senators. Thank you for having me today. My name is Chancellor Glass, C-h-a-n-c-e-l-l-o-r G-l-a-s-s. I come here to voice my opposition for LB1330. I am a student of the University of Nebraska-Lincoln College of Engineering. Before attending University of Nebraska-Lincoln, I attended Omaha North High School, which is a predominantly black high school in Omaha. This made me a minority there. After coming here to

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UNL on a scholarship for the financially needy, I quickly became a majority of the students there. DEI initiatives at UNL have helped my peers to come out of their shells and enrich my experiences at UNL as well. It is from these peers that succeed due to DEI initiatives that I have become a better public speaker, that I have gone and competed at competitions across the nation as a representative of the University of Nebraska-Lincoln, and that I have become a better student as well. There was a misconception earlier that DEI initiatives somehow dilute the experiences of students at UNL. I am in the opinion that these DEI initiatives only serve to enrich the experiences of people they affect directly and people that they affre-- affect indirectly, such as myself. I ask you to look towards the future of UNL and that it must have its best students put forward. The word "merit" and "meritocracy" have been thrown around earlier concerning UNL students. And I believe that if you wish for UNL students to be at their best and to really show their full potential in the merit that they hold within themselves, that you shut down LB1330 so that these DEI initiatives can continue to enrich the experiences of UNL students, both directly and indirectly. Thank you for your time.

**WAYNE:** Thank you. Any questions from the committee? Seeing none. Thank you for being here. Next opponent.

**ROSE GODINEZ:** Good evening. My name is Rose Godinez, spelled R-o-s-e G-o-d-i-n-e-z. And I'm here to testify in opposition to LB1330 on behalf of the ACLU of Nebraska. LB1330 is yet another educational gag order that seeks to erase discussions of school staff and students' experiences, including systemic racism, sexism, oppression, and privilege, from university and college campuses by prohibiting the spending and participation of programs and activities on diversity, equity, and inclusion as incorrectly defined in this bill. This bill will only undermine any progress we have collectively made as a state for a more fair and just Nebraska. And to be clear-- and to Senator Conrad's point-- it runs contrary to the Nebraska Supreme Court's decision, Board of Regents v. Exon, which specifically stated that the general government of the university is vested with the Board of Regents. Additionally, measures similar to this bill that have passed in other states have been litigated by the ACLU of Nebras-- by the ACLU and the courts on First and Fourteenth Amendment grounds. Advancing this bill is not reflective of the Nebraska that seeks to be inclusive or attract or retain a diverse staff or student body or community, for that matter. In fact, it would chill if not outright prohibit an employee at a Nebraska university or college from saying everything every person that has come and opposed this bill just said.

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For those reasons, we urge the committee to indefinitely postpone this bill.

**WAYNE:** Thank you for being here. Any questions from the committee? Seeing none. Thanks again.

**ROSE GODINEZ:** Thank you.

**WAYNE:** Next opponent. Except for you because you yell at me in Judiciary all the time. No, I'm joking. Come on. Welcome to your Education Committee.

**MAGHIE MILLER-JENKINS:** I'm gonna have my son come up. I gave him a green sheet, so he's going to come up after I say mine. [INAUDIBLE] he's going to say whatever he wanted to say. I--

**WAYNE:** Would you spell them both for the record?

**MAGHIE MILLER-JENKINS:** Yes.

**WAYNE:** OK. Go ahead.

**MAGHIE MILLER-JENKINS:** OK. So my name is Maghie Miller-Jenkins, M-a-g-h-i-e M-i-l-l-e-r-J-e-n-k-i-n-s. And what you're going to be handed is a photocopy of this. This is my uncle's memorial packet.

**WAYNE:** Now, I'm going to be real strict on props, so I'm going to need you to put that down. You know that from Judiciary.

**MAGHIE MILLER-JENKINS:** Right. I just wanted to show what was on the picture.

**WAYNE:** I understand. Go ahead.

**MAGHIE MILLER-JENKINS:** OK. So the reason why I'm giving you a piece of this is I want you to walk away from this interaction with a little snippet of my history. My family has already paid in blood and bodies for Nebraska. My uncle was murdered by the KKK in a Lincoln jail. My grandmother was murdered by the Omaha Police Department. I have already paid my dues. I have already done everything that my family-- my dad is a vet. Was a vet. He was a marine. Died from Agent Orange from serving in Vietnam. My family has paid their dues. And I am sick of boomers coming up here with bastardized bills trying to take away more of my rights. In my opinion, if you were born prior to desegregation, you shouldn't have any opinion on DEI because you were raised in a world where it wasn't prevalent. So if anybody feels

attacked by that, good. Because I'm not here to make friends. I'm here to make change. I don't think that any boomer should be making any laws that affect my children because you are so far disconnected from the world that we are currently occupying you don't have room to speak. So you need to sit down and let those of us that live this life and have to put up the next generation in this life, you need to sit back, sit down, and sit silent while we handle bringing in a new world that brings in diversity, equity, and inclusion because that is the only way forward. So shame on you. Shame on Albrecht. And shame on every senator that signed onto this bill. That's my piece.

**WAYNE:** As always, as always, thank you for being here. And we'll have-- yup.

**MAGHIE MILLER-JENKINS:** I'm sorry. If you know me from the-- nothing else, you should know because I'm not, I'm not nice. I'm not here to make friends.

**WAYNE:** You're fine. You're fine.

**EDWARD JENKINS:** I just needed to tell you that--

**WAYNE:** Can you, can--

**EDWARD JENKINS:** --what's the point--

**WAYNE:** Hold, hold on one second. I'm going to, I'm going to have you spell your name for the record.

**MAGHIE MILLER-JENKINS:** Spell your first name. It's E-d-w-a-r-d J-e-n-k-i-n-s for his name.

**WAYNE:** Don't worry. I'm, I'm 44 and I still forget to spell my name when I come up here, so you're fine.

**MAGHIE MILLER-JENKINS:** It's intimidating. Go ahead.

**WAYNE:** Yes, it is. Go ahead.

**MAGHIE MILLER-JENKINS:** So speak into the microphone and tell them whatever you wanted to say about it.

**EDWARD JENKINS:** I just needed to say a few words. What is the point in the bill-- in any bill if they're only going to take away rights that people need? What is the point in any of them if they're only going to

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take away rights? If they take away rights, why do you make them? Why do you need them? That's all I wanted to say. Thank you.

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

**MAGHIE MILLER-JENKINS:** I just want to toss in, out of the mouth of babes and do better, Murman.

**WAYNE:** All right. Any questions from the committee? Seeing none. Thank you for being here, as always. I will see you tomorrow in Judiciary. Next [RECORDER MALFUNCTION]

**BILL ARFMANN:** Hi. Senator Albrecht, members of the Education Committee. My name is Bill Arfmann. That's spelled A-r-f-m-a-n-n. I'm here on behalf of my family and on behalf of Nebraskans for Peace to speak in opposition to this proposal, LB1330. What I would like to do in, in the interest of allowing others to speak is to ask that, that my testimony, which I pa-- passed along, be written into the record. And, and I'd like to simply conclude with deeply held convictions-- like Senator Murman, I, I'm a proud graduate of the University of Nebraska. I think the choice betw-- before this committee is a choice be-- between furthering divisions in Nebraska by advancing this proposal or choosing to listen to the deeply held convictions that are here on both sides of the issue. But I, I think that should, should you choose to listen, I think the only answer is to kill this bill. That's, that's my conviction. My conviction is that the path of listening and moving in the direction of more unity is, is, is the, the prudent choice and the wise choice for this committee and for the Legislature. With that, I'm happy to answer any questions.

**ALBRECHT:** Thank you, sir. Any questions from the committee? Seeing none. Thank you for your testimony. Next opponent.

**NYARIAL NYOAK:** Good evening, Vice Chair and the Education Committee. My name is Nyarial, N-y-a-r-i-a-l; last name: Nyoak, N-y-o-a-k. I'm currently a fourth-year political science student at the University of Nebraska-Lincoln. And during my tenure at the university, I've had experiences and witnesses-- witnessed firsthand the positive impact that diversity, equity, and inclusion has both to myself and as well as my peers. From being a member of Zeta Phi Beta Sorority, Incorporated, a historically black Greek-letter organization to being a member of the Afrikan Peoples Union, one of the prime black student government organizations on campus, I can proudly say that my time in these organizations and my experiences that I've had within these affinity organizations have made my four years on campus worthwhile.

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And while I understand that our primary focus as students is to obtain our degree-- that's always the first thing. You get to get your degree-- I think it's also safe to say that people also go to school and go to do things for people. People join people. Students want to attend an institution where they can see their peers, students, faculty, staff that look like them and can experience-- understand their lived experience. And it may not-- [INAUDIBLE] be understood. It can also be support them through those lived experiences. At the University of Nebraska-Lincoln, fall enrollment has dropped, from over 26,000 students as of 2017 down to 23,600 as of fall of '23. And I understand COVID may have had a little bit of impact regarding the enrollment rate, but LB1330 can also have a potential impact to this-- a negative impact at that. And regardless of whether or not you identify with a diverse background or not, DEI belongs on institutions, on public institutions. And it is-- benefits everyone. And whether it is through extra support you received through, like, mentorship or through faculty and staff or from being able to have a sit-down conversation, a lot of uncomfortable conversations have-- DEI provides an equitable playing field for students that identify with these diverse backgrounds. Therefore, again, as I said earlier, DEI does belong to public institutions. So to the Education Committee, me sitting here as a black woman who attends a land grant institution in this state, who attends an R1 institution in this state, who attends the flagship institution in this state, I ask you guys to think about the long and negative implications that LB1330 will have to not only to the students such as myself, to the staff members, faculty, and public institutions if advanced from the committee. With that said, I will yield the rest of my time. And I'll be open to any questions.

**ALBRECHT:** Thank you for your testimony. Any questions from the committee? Seeing none. Thank you for being here. OK. Next opponent. Hi there.

**DISMAS NSABIYUMUA:** How are you doing? Hear me? I apologize if my words are more lame in terms. I was promoted to speak about four hours ago, so I didn't really have anything in mind.

**ALBRECHT:** That's OK.

**DISMAS NSABIYUMUA:** And I don't keep a thesaurus in my head, so, you know--

**ALBRECHT:** All I need you to do is say your name and spell it.

**DISMAS NSABIYUMUA:** [INAUDIBLE].

**ALBRECHT:** [INAUDIBLE] talk about whatever you want to talk about.

**DISMAS NSABIYUMVA:** My name is Dismas Nsabiyumva. That is D-i-s-m-a-s; last name, N-s-a-b-i-y-u-m-v-a. On a connectional point, everything that has to do with DEI has promoted me to grow from the-- from my very youth. I'm an immigrant that has immigrated from Eastern Africa. If I was not, if I was not in programs [INAUDIBLE] DEI as a young child, I would have died on the streets that I laid. But if I really want to get down to the conclusion of why LB1330 is so detrimental to the community, we need to understand why we've been built up so far. People of mar-- marginalized ethnic groups, racial groups, sexual groups are less likely to a-- to employ and go to college because of many reasons, but a multitude effect of that is that we have nobody within our groups to represent us correctly. So we have nobody to look forth to, to, to see that college is a good example as to what we should strive for. In doing so-- if we look, if we look to, to push forward LB1330, we'll, we'll once again revert back to that state. As of right now, pretty recently, more, more people of diverse groups have been attending college. And we found that there's been a success in intelligence because we know that diverse groups are, are better for the succession of a nation more than a homogeneous groups. If we, if we conclude this-- if we conclude this bill and it follows through, we will revert back once again. And members of our community, members of our state, the members of our cities will once again fall back to homogeneous thought processes, which will nullify our progression as a nation. If we really want to see the people of our-- of-- the people of our nation progress, we need to allow people of different backgrounds to succeed. How will we do that? We will need to allow the funding within our schools to promote those people to come down here. A major factor for many people attending schools is the type of environment that they provide. I myself benefited from that fact as well. I received a sol-- scholarship that promoted-- that promoted diversity, which allowed me to come down here. I'm a great-- I praise the Lord on this fact because I am not on my way to rec-- I'm on a plan that will allow me to receive my doctorate in physical therapy. Had I not been in any program, had I not received any of the support that the-- that the DEI supports-- well, I wouldn't have been anywhere in my life. And so that's why I stand here as an advocate with many people. You can see the hunger that, that strives within us as we're antsy to talk to you, as we're antsy to stop this from going on and reverting us back to a struggling state. I ask you all to not pass this bill. Thank you.

**ALBRECHT:** Thank you for your time. Appreciate that. Any questions? Seeing none. Thanks for being here.

**DISMAS NSABIYUMVA:** Thank you.

**ALBRECHT:** OK. Next opponent.

**MARIAH MAY:** Hello, everyone. My name is Mariah May. Mariah, like Mariah Carey, M-a-r-i-a-h; May-- [LAUGHTER]-- I can't sing like her, though, sadly-- and then May, like the month, M-a-y. So before I begin, I just want to clarify some of the issues that we have with this bill. And it's-- what Senator Murman mentioned earlier, about not only wanting to stop funding for diversity, equity, and inclusion programs for educational institutions but also wanting to stop diversity, equity, and inclusion training. Now, I just want to clarify what equity means. Equity is giving people-- it's not-- equity is not discriminatory. It gives people what they need so that they can be equal to their peers. For example, earlier, we mentioned how one-- a certain individual needed a microphone so that he could better be heard and understood. That is equity. That is not discriminatory. Or earlier, another lady mentioned how she was hard-of-hearing, and you all saw that she had a hearing aid. That is an example of equity, not discrimination. Now, earlier today, many people mentioned how we want professors and students to express their opinions and how we're scared of freedom of speech and expressing what we feel, but we're eliminating the opinions of others if we do not incorporate and integrate diversity, equity, and inclusion. The-- we mentioned how college campuses are an arena of ideas, but we lose ideas when we lose diversity, equity, and inclusion. We need people with different perspectives to come together and learn from each other and learn from one another so that we can build a better state and a better country. We hear-- we need to protect the students, and diversity, equity, and inclusion does that. Without DEI, students of color cannot contribute to the conversation because we will lose our protection. No one will want to come to Nebraska, no one will want to stay in Nebraska if we do not feel seen or heard. Passing this bill will drive out students of color and staff members in-- with various cultural and racial and ethnic backgrounds. Removing DEI training is actively taking a stand against people of color, the effort to understand us, the effort to incorporate us into educational success. On top of that, if we do not have staff members that are-- that want to understand us and try to understand us, then we are not receiving full and equal access to education. Diversity-- and then just to touch on the point that was mentioned earlier about diversity statements and the fear of those, diversity statements aren't just about race. It's just-- diversity statements allow people to say there are different backgrounds and how they want-- need education to make their experience better. Now, 1%-- speaking on UNL specifically, 1% of UNL's budget came from-- or, was--

contributed towards averse-- Office of Diversity and Inclusion. And then after budget cuts, 49% of that budget was cut. That is not equal, and that is not-- that does not protect us. What percentage of the university are we trying to support here? There are only 18.8% students of color or racial ethnic backgrounds at that university, and we just cut half of their budget. That does not support them, and that does not uplift the community or bring us together. We need diversity, equity, inclusion, and that is why I oppose this bill.

**ALBRECHT:** Thank you for your time. Any questions? Seeing none. Thank you. Next opponent. Hi.

**SYDNEY KWASA:** Hello. My name is Sydney Kwasa, S-y-d-n-e-y, like Australia; and Kwasa, K-w-a-s-a. And I am testifying in opposition of LB1330. I am a college student, and today I am scared. I am angry. And I am disappointed. To pass this bill is to not only take away our First Amendment right, but to also take away safe spaces for students and safe training for others. I'm a black woman born to an immigrant father, and I was born and raised in Nebraska. I've experienced firsthand how racism and discrimination affects me and those around me. By taking away diversity, equity, and inclusion programs and clubs is ignoring the things that are very real and very lived experiences. Just because certain white people choose to see people of color as just Americans-- as I read in the hearing that was-- happened a couple weeks ago-- it doesn't mean that everyone else does or should. To treat every person of color as just American diminishes the history-- diminishes the history of my father and his brothers. And that-- was-- immigrated here from Nairobi, Kenya. They are proud immigrants. This country was built on immigrants who were not born Americans. There has been stu-- there have been students who have packed up their stuff and left because of this bill. And if I had the money, I know sure as hell I would. Instead of trying to get rid of this training, let's start by teaching our children. We have to agree that my children will look different from the rest of yours, and that is OK. But we also need to treat them that just because we all bleed red does not mean that a cop will look at our-- I'm going off script here. Does not mean that a racist cop will look at our children the same. We-- what makes us unique is what is on the outside, and these safe spaces that we have at our colleges, it's what is giving-- this-- it's what's giv-- these safe spaces are real, and these safe spaces are important. We have all lived different experiences, and that is what makes us unique. And I hope-- I urge you-- I'm going back on script here. One second. Man, just-- don't tell me to ever go back off script again. Y'all need to stop me if I do that again. When I first came to school, I felt isolated. It wasn't until I found DEI programs in clubs until those

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made me feel safe and they made me feel seen. If these programs get taken away, what message is this trying to spread about Nebraska, that we are unwelcoming and unwilling to give safe spaces to those who need it most? You do not care about equality. You are silencing our voices. I urge you all to not pass this bill and to open your minds to realize that you guys are not the only ones who have lived and experienced life. I would like to conclude by saying Happy Black History Month to all. Thank you.

**ALBRECHT:** Thank you.

**SYDNEY KWASA:** I'm open to any questions.

**ALBRECHT:** Thank you. Do we have any questions of the committee? Seeing none. Thanks for being here.

**SYDNEY KWASA:** OK. Thank you.

**ALBRECHT:** OK. Next opponent.

**MARCUS McCASKILL:** Hello, Chairman Murman, Vice Senator Albrecht, and the Education Committee. My name is Marcus McCaskill, M-a-r-c-u-s M-c-C-a-s-k-i-l-l. And like Dismas, I got a scholarship that put me right here at University of Nebraska-Lincoln. And so I'm an undergraduate down at that school. While I'm not from Lincoln, I come from Omaha-- a place with nationally renowned segregation. Fortunately enough for myself, I was born and raised on the more comfortable side of Omaha, which was northwest Omaha. My mother knew growing up around an area which featured less diversity would ultimately provide me better access to schooling and extracurricular opportunities even within publicly funded institutions such as OPS. Sadly, this was true. On the flip side, growing up in this section of Omaha left me to typically find myself being the only minority in my communities, be it church, school, or sporting events. I'd wondered why I felt secluded and put off until I was discriminated against bluntly and directly as a child by teachers and adults alike, individuals who should have life experience and training in accepting others for something so minimal as a difference in skin color. So who am I now? What am I sitting here to say? A student in the class of 2028 Professional Program Veterinary Medicine at UNL-ISU, CASNR Dean's Office student worker, molecular diagnostics lab worker, stand-in father, and boxer are just a few titles I hold. Truthfully, though, I would not be able to claim any of those titles or rise to my current success if it were not for the DEI efforts I just mentioned earlier or the DEI efforts I've been provided in this state. Earlier, I'd mentioned I grew up on the comfortable

side of Omaha. Unfortunately, though, I took schooling on what is known as the not-so-nice side of Omaha, which is north Omaha and Omaha North High School. Of all my personal experiences with social economic inequities that plague individuals whom are uplifted by the wing of DEI, I must say the simple class composition in my high school put the reality of the issue right in my face. I almost exclusively took honors classes when possible and began finding myself dual-enrolled in AP classes since before my junior year of high school. And while the composition of the student population at this high school was about 74% minority students, I was shocked when I walked into each and every of my AP classes or honors classes and there was never more than three minorities in my class of 25-plus. The rest were Caucasian students. Therefore, I must ask, what possible reason could it be that with a near 3/4 minority population within this public institution representation of minorities is, is not properly displayed in higher level honors and college classes, being anywhere from 3% to 15%? That said, most of my peers-- minority peers-- barely graduated and stayed in Omaha. Unfortunately, even though I graduated less than three years ago, some of them died there due to violence. DEI combats these previously mentioned issues by promoting education on problems related to race, social inequality, gender issues, and much more. To put it frankly, I am shocked to see people with power to enact real beneficial change try to put a wall up in the face of education, something that can bring us together, especially when it's been shown to make our disadvantaged even more successful. If one doesn't believe this is so, let my mere existence before you-- as all my titles previously mentioned, but most notably a minority from a single-parent household-- be a direct counter to that belief. As I stand before you today, the very fact that the futures of I and many others are threatened by the passing of LB1330 that are equality in this society is far from level. Thank you.

**ALBRECHT:** Thank you very much for your testimony. Senator Wayne.

**WAYNE:** I do have a question because you raised a, a pet peeve of mine. What, what are you enrolled in?

**MARCUS McCASKILL:** A few things. I think one of the ones I mentioned was the vet school here at UNL.

**WAYNE:** With Iowa State?

**MARCUS McCASKILL:** Iowa State and UNL.

**WAYNE:** Yeah.

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**MARCUS McCASKILL:** Yeah. I-- it's not my preference. It is not my preference.

**WAYNE:** No, no, no. The-- so people on the Educa-- this is, this is a pet peeve of mine, that we don't have a veterinarian school, so.

**MARCUS McCASKILL:** Yeah.

**WAYNE:** So, so-- af-- wow. I didn't know there was so many people that thought that way. So after you go to Iowa State, are you thinking about coming back or are you thinking about going somewhere else?

**MARCUS McCASKILL:** I was thinking about going out of the country in general, to start a rehab site.

**WAYNE:** I know. I was looking up houses earlier today on my way home-- I mean, on my way down here-- in Italy, so. Yeah, I'm on the same page.

**MARCUS McCASKILL:** Yep.

**WAYNE:** It's been a long day.

**MARCUS McCASKILL:** It's really--

**WAYNE:** Had a long court case this morning. But-- so when looking at schools-- and I'm sorry for people. This is, like-- seriously, I've been talking about this for two years, so I've finally got somebody I can talk to about this. So looking at the other veterinarian schools, is that what you wanted to do when you came out of high school or you got there after you got here?

**MARCUS McCASKILL:** So-- did I want to go to Iowa or did I want to be a vet?

**WAYNE:** [INAUDIBLE].

**MARCUS McCASKILL:** I wanted to be vet since kindergarten, and I chose UNL-Iowa because I got in a year early, so I took the opportunity when I could.

**WAYNE:** Does the program not have anyone here-- is that going to cause you additional stress or additional issues or-- did you pick here because Lincoln was home and they gave you some money or was there other school options?

**MARCUS McCASKILL:** I picked here because the program that Dismas is also in afforded us education and promised us that if we do well in high school and break out of that barrier, that we would get a good scholarship here at Lincoln. So I came to Lincoln because of DEI.

**WAYNE:** So it's a connection to the high-- at the high school level that brought you here?

**MARCUS McCASKILL:** Yes, sir.

**WAYNE:** It's a damn shame we're going to keep losing people because we don't have a veterinarian school here.

**MARCUS McCASKILL:** True.

**WAYNE:** Thank you.

**ALBRECHT:** Thank you. Next opponent.

**MARCUS McCASKILL:** Because it's cheaper to keep. Chief data scientist.

**ABBI SWATSWORTH:** Vice Chair Albrecht and members of the committee, I really want to say how much I appreciate you and that I am here with you for the whole night.

**ALBRECHT:** Did you spell your name?

**ABBI SWATSWORTH:** Oh, A-- Abbi Swatsworth. Thank you, Senator Albrecht.

**ALBRECHT:** No problem.

**ABBI SWATSWORTH:** A-b-b-i S-w-a-t-s-w-o-r-t-h. Also wanted to say I deeply appreciate your efforts to provide guardrails for the way that testimony could work by suggesting right, left, right, left. And also to point out, in the absence of further guardrails, people who are committed to working together on issues figured out a system by which we would all advance and have our voices heard. So thank you. I am going to try to be brief because it is a very full room and we've heard just amazing stories. I can't say how often I've almost cried. OutNebraska is speaking in opposition to LB1330, but we're taking a position that is a little broader and not necessarily just about our LGBTQ community. We do recognize that this is an issue that impacts every community member in Nebraska. And so we really looked at organizing business voices. And I know we have also had those voices submit comment, but I really wanted to have the opportunity on the mic, so. OutNebraska hosts the Nebraska Competes Coalition. The

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coalition believes in supporting nondiscrimination efforts in order to attract the best talent to increase business-to-business and business-to-consumer relationships and to grow Nebraska's economy. There are currently 116 members of the coalition from across the state. We also sent out a sign-on letter that business, nonprofit, higher education, and religious leaders from across Nebraska signed on to. And that's included-- oh, my heavens. It's been a long day, y'all. Thank you so much-- which I am including on my testimony for the record. The leaders who signed on to this letter oppose the elimination of diversity, equity, and inclusion in higher education. And they represent statewide interests from small-town Nebraska to our largest metro, stretching from the panhandle to the Missouri River. I believe we would have had additional signatures to the letter had some businesses who banded together in last session to speak out against a bill not received such difficult situations by their leadership. We did have a number of businesses sign out against LB574. Those businesses were, in some cases, doxed in terms of having their personal information shared and-- it's just dangerous also to speak out for diversity, equity, and inclusion, so. Thank you so much. I'll answer any questions.

**ALBRECHT:** Thank you for your testimony. Are there any questions from the committee? Seeing none. Thanks for being here.

**ABBI SWATSWORTH:** Really appreciate you.

**ALBRECHT:** Next opponent.

**MACY BYARS:** Thanks for hanging in there and hearing all of us. Name's Macy Byars, M-a-c-y B-y-a-r-s. I'm a junior. I'm a journalism student at the University of Nebraska-Lincoln. I'm here to speak in opposition of LB1330. I've spoken about this bill with many of my fellow students, and we do not believe that it represents our university community. I'm a born and raised Nebraskan, and it deeply saddens me to see this bill devalue the perspectives of diverse individuals. Nebraska is a friendly, welcoming state full of wonderful people and wonderful ideas, and I want our educational environments to continue to reflect that. Hearing the perspectives of diverse students and faculty has, without a doubt, been the most enriching part of my time spent at UNL, and that wouldn't have been possible if they didn't feel welcomed in the classroom. All of these people have made me a more thoughtful student and member of society. Last year, one of my political science professors was Polish, and he en-- he encouraged me to think of problems outside of the Western perspective I had on politics. One of my coworkers on campus speaks Spanish as a first

language, and she's always happy to answer the questions I have left over from Spanish 102. I took a poetry class taught by a transgender woman, and she taught me the power of speaking from my personal experiences. And her own academic success deeply encouraged my LGBTQ classmates. Many other students in my classes offer their opinions every day, all of which are informed by their backgrounds and experiences, challenging me to consider where my own thoughts and beliefs come from. That ability to think critically about what I believe has made those convictions stronger, and I don't think that's a skill you can learn in a book. If this bill passes, underrepresented students won't be the only ones missing integral parts of the great education this state's schools offer. When you devalue one student's perspective, you're depriving other students of what they have to offer. It's the same reason students suffered during the pandemic. We learn from our interactions with each other, and everyone needs to be present and welcome for that to happen. This bill has a message of exclusion that does not fit with the spirit of Nebraska. Nebraska has a problem with losing our college graduates, and it will only worsen if we allow a large portion of our future workforce to feel unwelcomed by erasing the programs that help them through their education. DEI programs ensure students from backgrounds traditionally underrepresented in higher education have access to the experience they deserve. When students feel supported, whether that's through a DEI program or seeing themselves reflected in their studies, the confidence they gain allows them to thrive throughout their education and career. That's a kind of joy I personally felt and that I hope all of Nebraska students continue to experience. Thank you.

**ALBRECHT:** Thank you very much. Appreciate your testimony. Any questions? Seeing none.

**MACY BYARS:** Thank you.

**ALBRECHT:** Thanks for being here. OK. Next opponent.

**B LITTMAN:** Good afternoon.

**ALBRECHT:** Hi.

**B LITTMAN:** Or, I guess, evening at this point.

**ALBRECHT:** Evening now, yeah.

**B LITTMAN:** My name is B Littman, L-i-t-t-m-a-n. And I'm a third-year engineering student at the University of Nebraska-Lincoln. As a member of both the Jewish community and a nonbinary individual, I am before

you to express my concerns about the potential implications of LB1330 on diversity, equity, and inclusion within our educational institutions. On-campus diversity, equity, and inclusion programs and funding play a crucial role in preparing students for their future careers and beyond college. When I started at UNL, I was the first Jewish person and the first nonbinary individual that many of my peers had ever met. Engaging in dialogue expanded the horizons of my peers, creating an understanding of different perspectives in the world beyond their hometowns. UNL hosts Husker Dialogues, an event encouraging first-year students to engage in conversations about inclusivity, diversity, and understanding every fall. Husker Dialogues is hosted by the Office of Diversity and Inclusion with the support of student and staff volunteers, empowering students to engage in discussions like those that I had with my peers. Having had the opportunity to volunteer to lead these conversations, I have witnessed firsthand students walking away from the program more aware of the value of inclusive language, willing to exhibit allyship, and engage in other programs across campus. Despite having programs that encourage dialogue and attempts to create inclusive environments, resources on campus that support students of minority identities are equally, if not more, important. When I experienced homophobic and transphobic remarks from a peer mentor, I turned to the Gender and Sexuality Center, whose staff supported me and helped me get connected with the correct individuals to remedy the situation. With growing anti-Semitism across the country, I've been able to turn to faculty within the Judaic Studies Department and the Office of Diversity and Inclusion to ensure that students on campus feel safe and remain safe. As a student in the College of Engineering, we've been encouraged to be complete engineers. One of the six components of a complete engineer is inclusive excellence, which encourages interacting with and connecting with people of diverse identities. If we want students to be prepared to navigate the real world postgraduation, we must actively work to expand their horizons so that everyone can collaborate effectively. By fashioning an inclusive environment that embraces diversity and encourages everyone to feel welcome, we prepare students to work alongside individuals who are different from them, both professionally and personally. In conclusion, diversity, equity, and inclusion programs benefit all students on campus and create Huskers ready to impact the world both in and out of Nebraska. I oppose LB1330. And I'm happy to answer any questions.

**ALBRECHT:** Thank you very much. Very good. Any questions? Seeing none. Thanks for being here. Thanks. Next opponent.

**CORIE McCOWIN:** Hello. Greetings to the Education Committee. My name is Corie McCowin, C-o-r-i-e M-c-C-o-w-i-n. And I am here representing as a student of the University of Nebraska-Lincoln, especially as a member of the communities of the Office of Academic Success and Inta-- Intercultural Services and the Office of Diversity and Inclusion. And I stand in opposition of LB1330. I especially stand against the language used in association with diversity, equity, and inclusion, such as justifying differential, differential treatment on the basis of race, sex, color, gender identity, or sexual orientation, as well as advancing theories of, of unconscious bias or implicit bias, microaggression, or group marginal-- marginalization, and the list goes on. I cannot say that I would attribute DEI to any of these issues. And as previously-- as a prospective student of the university, I was drawn to the university by the College of Journalism and Mass Communications, but that is not at all what has kept me there. There is a building on campus that has been one of the championed characteristics of the university. When tour guides come through giving tours to first-, first-year and incoming students, giving them some of their first experiences to the UNL campus, they say this is the largest multicultural center connected to a union in the nation, which holds programming for minority and low-income students. These are some of the first pieces of information that students get about certain groups on campuses of the university, which I see as statements of inferior-- inferiority. This language is nothing that many of the people who call Gaughan a home can agree with. The Jackie Gaughan Multicultural Center is somewhere where I have found support and much education on the basis of diversity, equity, and inclusion. And this is why it is necessary for us to have the opportunity to highlight the real championed characteristics of DEI. And my greatest support has come from faculty who know how to handle or have advice for me based on my gender, gender, race, and other identities. And as a student of leadership in organizations, of OASIS and ODI, I feel that we have expressed that it is an open environment for all to share their perspectives no matter their background. And I have already witnessed many drawbacks and aftershocks of losing significant budget on the programming and training of ODI and DEI that benefit many students on campus. And after seeing the impacts of losing those funds, I can only imagine the impact of striking down a simple standard that ensures respect and acknowledgment for the backgrounds of students that come into the UNL community. Thank you.

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

**LINH HA:** Hello. My name is Linh Ha. That's L-i-n-h H-a. I'm a freshman at the University of Nebraska-Lincoln. And I'm here to express my opposition against LB1330. LB1330's aim to cut off public funding for DEI programs, as well as restricting the planning and promotion of them, is highly concerning. I strongly believe that it is the responsibility of the school to actively promote and talk about topics relating to DEI in order to ensure staff are equipped with the knowledge they need to advocate for their students of color. I observed this firsthand when I helped lead a DEI workshop within Lincoln Public Schools during my senior year of high school. When running through various scenarios with teachers and sharing my own experiences within the school, I discovered that teachers do not have a deep understanding of what students of color are going through. More often than not, teachers are unsure of how to support their students or make their classrooms a more inclusive place. Even now at UNL, I feel there aren't enough spaces for DEI conversations. I don't feel like I can have these conversations or share my experiences in RSOs for students of color or with the professors I see every day. Further removing DEI programs will wipe out these conversations if they were happening in the first place, and that would be truly disappointing. Without these programs, we are restricting conversations about equity and inclusion in our schools that are absolutely necessary for our students and community. This bill not only undermines the importance of diversity and inclusion, but also leaves students without anyone to advocate for them. The consequences of this bill will be extremely harmful. Students of color deserve the same respect and support as anyone else, and I sincerely hope that the members of this committee will keep students of color as the focus of their conversation moving forward. Thank you.

**ALBRECHT:** Thank you for your testimony. Any questions from the committee? Seeing none. Thanks for being here. Next opponent.

**LENNON HARRIS:** Good afternoon, Senators. My name is Lennon Harris, spelled L-e-n-n-o-n H-a-r-r-i-s. And I am a member of the government liaison committee of the, of the Association of the Students of the University of Nebraska-Lincoln. As per ASUN bill senate-- ASUN Senate Bill 24, I've been authorized to testify against LB1330 on behalf of the UNL student body. As Nebraska universities see a demographic change, diversity, equity, and inclusion programs become more and more essential, showcasing their importance and role in universities in a variety of ways. From its productivity benefits to its role in the students' lives, DEI presents itself as a necessity in educational institutions across Nebraska. DEI also plays a crucial role in modern universities. As access to university is broadened to more minority

students, the demand for inclusivity intensifies. Current programs offered at the-- at Nebraska universities encompass a variety of groups, such as religions, veterans, first-generation students, and many, many others, all providing important social networks for these groups. And in a Penn State study, study it is stressed that DEI's services are also essential to buffer the impact of discrimination and provide educational and professional development to college campuses. Counseling centers are adequate to address psychological struggles faced by mi-- minority students but are limited when these students face challenges concerning their race, gender, and other factors. DEI offers these students a place where they can confide in professionals and peers who've had similar experiences. When students see representation not only in the books they read but in the professors, programs, and university, it allows them to be-- become more engaged. Primary purpose of these programs are to make sure all the students feel welcome. And with more companies instating DEI programs and creating an increasingly diverse workforce, DEI services act as great bridges for many students to be prepared to encounter people of different social and cultural backgrounds. Many students first face individuals with, with significant differences from themselves when they go to college or join the workforce, and they turn to DEI for-- looking for assistance for these-- to overcome-- to bridge between these differences. And 76% of employers saw DEI as imperative to join-- to a workplace atmosphere. If our universities are to fully prepare our student body to join the workforce, having DEI availability is a necessity. And if the Nebraska university system wants to increase its reputation as an institution of choice, especially in the eyes of minority groups, DEI is a must-have for many students. UNL boasts the largest multicultural center-- as previously mentioned-- attached to a student union in the United States. And to prohibit diversity, equity, and inclusion in our educational institutions is to prohibit our universities from becoming as successful as they can be. To increase talent coming to Nebraska, these services need to remain in place and maximize student enrollment. And given these nationally changing demographics, the state of Nebraska and its universities must change with it. On behalf of the student-- UNL's student body, I thank you for your time and urge the senators of this committee to vote no on LB1330.

**ALBRECHT:** That's perfect timing.

**LENNON HARRIS:** I guess it was.

**ALBRECHT:** Must have tried that a few times. That's very good. Looks like we don't have any, any questions, but appreciate you coming in tonight. Thank you. OK. Next opponent.

**EDAJAH ADEN:** Give me one second to get my notes out. Good afternoon. My name's Edajah Aden, spelled E-d-a-j-a-h. I was born in Kenya, raised in Omaha. I currently attend school in Lincoln. Let me get rid of my gum. I personally faced instances of microaggression and racism, such as being called derogatory, derogatory terms like "boy" or microaggressions like being told, I bet you know how to play basketball, both happening within the residency halls of UNL. And then a year prior, I was called a stupid N-word on campus, so. These experiences left me feeling unwelcomed and, you know-- unsafe and unwelcomed. Conversation around the values of our differences are crucial, and providing a platform for these differences to flourish is essential for fostering a positive, positive and inclusive environment. Maybe if those individuals had proper understanding of these cultural-- of other cultures would have, you know, maybe-- what's it called? Having a proper understanding of these cultures would have had avoided those scenarios. I found out, I found out-- I found that-- I find this legislative bill very disappointing. If passed, it would restrict public education institutions from engaging in efforts related to diversity, equity, and inclusion. I believe this could have severe consequences, consequences on individual freedoms. This bill will be limited-- limiting discussions on unconscious biases, cultural appropriation, and other essential topics. The passing of this bill with young, diverse, talented-- would, would leave young, diverse talents leaving the state. This bill may also create a perception of Nebraska as a hostile state, potentially driving away individuals who see this state as unwelcoming. Additionally, restricting DEI programs might hinder the retention of out-of-state students. These programs contribute to more-- to a more inclusive learning environment and prepares students for a diverse and interconnected world. Many of my friends-- or, a few of my friends being out-of-state college individuals. In conclusion, LB1330 could have far-reaching consequences on a personal level, on a personal level. I urge you to consider the impact of stifling conversations on diversity, equity, and inclusion to support an environment that values, celebrates our, our differences. And to quote myself, we're the dreamers of today and the creators of tomorrow. But LB1330 is turning dreams into nightmares and destroying our tomorrows. Thank you.

**ALBRECHT:** Thank you for your testimony. Any questions from the committee? Seeing none. Thanks for being here.

**EDAJAH ADEN:** All good.

**ALBRECHT:** Next opponent.

**McKELLAN CLARKE:** Well, good evening, Senators. It's been a very long evening, so I just want to start by thanking all of you for your continued support and staying past the original allotted two hours-- actually, way past the original allotted two hours-- to hear all the concerns about this bill. My name is McKellan Clarke. That's spelled M-c-K-e-l-l-a-n C-l-a-r-k-e. And I am just a concerned student attending UNL. While I disagree with the entirety of this bill, I want to specifically discuss why the vague nature of this bill is problematic, starting with a very quick personal anecdote. Last year, my mental health was in a bit of a rough spot. I would obsess over an individual, and it was affecting my thoughts and giving me so much anxiety that I would try to avoid being in the-- in-- being in the same physical place as this person at all times. I also didn't have valid insurance at the, at the time. So I went to UNL's on-campus counseling services, also known as CAPS. And in retrospect, I genuinely believe that making that decision saved my life. Now, what if I mentioned and added to that anecdote by stating that I am gay, first; and second, that my counselor specialized in gay men's issues? It doesn't even matter who the other person that I obsessed over is in this situation. In fact, this situation already falls under the vague scope of this bill. So if this bill were enacted at the time, I seriously wonder whether or not I would have received that assistance that I had so desperately needed. So I must rhetorically ask all of you, what would I have done instead? Again, I did not have valid insurance, and I certainly did not have the finances for uninsured, private counseling. So on that note, what about all the other students who are in times of need or crisis and/or who reach out to clubs on campus in order to find a community? What about students who have just moved here from abroad who are looking for other students who might speak the same language, language or even practice the same religion as them? Among many other minority communities. Due to the bill's vague nature, under this bill, all of these students would be hurt, along with many, many more. Again, I believe that the excessively vague nature of this bill is seriously damaging. It goes beyond, quote unquote, resolving the DEI issue-- which, in my opinion, is something that has been unnecessarily politicized. Instead, its nature and intention will cause great harm to students. As has been mentioned many times in prior testimonies, this bill sends a bad message if we decide to approve it. One reason why Nebraska has been facing brain drain for so many years now is that people do not feel welcome here, and this bill if passed will reinforce the bad reputation that

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Nebraska has with this brain drain. Therefore, for all of those members here of this committee who tentatively support this bill, I respectively urge you to reconsider your support. Voting-- I believe that voting in opposition of this bill will save lives. Thank you.

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

**McKELLAN CLARKE:** Thank you.

**ALBRECHT:** Any questions? Seeing none. Have a nice evening.

**McKELLAN CLARKE:** Thank you very much.

**ALBRECHT:** Yup. Next opponent.

**CAMERON CANNON:** Good evening.

**ALBRECHT:** Good evening.

**CAMERON CANNON:** My name is Cameron Cannon, C-a-m-e-r-o-n C-a-n-n-o-n. I'm an engineering major studying in my third year from Atlanta, Georgia, and I am also a concerned student. This is my first time taking legal counsel, so if I lack any decorum or mannerisms, please excuse me. It's quite nerve-wracking talking about a sensitive topic being so far away from home. My family has worked in education for a very long time, long before I was born. My grandmother, a retired principal, has been a great influence in my life. My grandfather and mother and father have also had a history of teaching in public school. And, in fact, a lot of them did teach history as a subject. So as you can imagine, I'm very inclined on the socioeconomics and history of our nation. And with the broad nature of this bill, I can only speak from the African experience, being of Af-- African descent. So with that being said, growing up on the better side of being disadvantaged in Atlanta with family education-- you know, living on a teacher's salary-- is pretty hard. You know, you all being on the Education Committee, I'm sure you have had a lot of issues with teacher salary and fair wages. So coming to Nebraska, I was drawn in on a DEI scholarship. And I've-- I can't tell you how remarkable it is being at the university and just seeing the amount of diversity there. I mean, I'm coming from a very progressive city. And honestly, I've never been so exposed in my entire life. I like to think of college as this melting pot of different ideas, especially with so many people coming from all across the world to learn. And I think that we take it a step further when we have those difficult conversations, especially addressing our past as a nation and how that affects us today. It's a very ugly topic. No one ever wants to talk about it. But if you have a

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connection to something and you try to move on without actually addressing the damage it did, then you will just keep repeating the same mistakes. As a peer mentor to college freshmen and seeing first-generation students of all ethnicities get the support they need to be the vision of what they believe to be great in this country, I think that programs like DEI have helped them a lot, and I don't think that they would have known the first thing to do. I think it really keeps the retention rates high. I've had a lot of students from diverse backgrounds, and I can tell you that if it wasn't for these programs, they, they wouldn't have a community and they'd probably leave. I've had a lot of peers leave for not being in the right environment. I understand that there is a huge discomfort with students about the academic rithor-- rigor that it takes to be a beneficiary of these programs, but I can assure you that that couldn't be further from the truth because it takes a lot of requirements to actually stay in school, period. I'm at the red light, so. I had a lot more to say, but thank you so much for your time.

**ALBRECHT:** Well, I think you said an awful lot. And--

**CAMERON CANNON:** Yeah.

**ALBRECHT:** --I'm sure your parents would be very proud of you to know what you just did here tonight. Did a great job, and glad to hear from you. Any questions or concerns, comments? Nope.

**CAMERON CANNON:** All right. Thank you.

**ALBRECHT:** Thank you for delivering that. Thanks. OK. Next opponent. Hi.

**MURPHY CAVANAUGH:** Hello. Good evening, Education Committee. My name is Murphy Cavanaugh, M-u-r-p-h-y C-a-v-a-n-a-u-g-h. I reside in District 29. I'm here today representing myself in my own capacity. I'm a third-year law student here at the University of Nebraska College of Law. And I'm here today to oppose LB1330 and everything it stands for. While I did not attend UNL for my undergraduate stud-- studies, I had the pleasure of not only accessing diversity, equity, and inclusion programs in training at my undergraduate institution, but I continue to access resources here at UNL. I'd like to discuss the overall legality of LB1330 and the legal concerns I have as a student reading this bill and the implications of wide, sweeping, ignorant legislation such as LB1330. I'm taking constitutional law 1 and 2, and I'm currently in the legislation seminar of my final semester. So while I'm no expert, I have enough experience to recognize the issues with

this bill. First, the constitutionality of this bill is in question because of the clear animus at play. I'll spell it out for him since Senator Murman clearly does not understand what animus means. Suppose a court suspects that the government is motivated by a silent discrimination against a particular group when receiving-- when reviewing law. In that case, they'll examine it with higher scrutiny of review instead of a rational basis, where they look for a compelling reason and rational connection to achieve the means of that reason. I would argue that animus is at play here because this bill clearly applies to people of color, queer people, women, and anyone who is not fitting into the cisgender, white, Christian box. Especially given the number of bills proposed or passed in other states exactly like this one, as the packets I gave you outlined, there is clearly a targeted effort to silence specific groups. Second, the First Amendment strictly prohibits restrictions on expression of-- because of its ideas, ideas, message, subject matter, and content. This law is a content-based restriction on its face, a government regulation of speech. I'm not going to go into all of that. And then finally oppose this bill because it calls into question funding issues. To receive accreditation and funding from the federal government, law schools must comply with certain requirements. And from the law school perspective, you already have a school in Omaha on the verge of losing accreditation due to poor performance. So suppose the well-performing public institution loses its accreditation because you won't allow them to train their students on diversity efforts and have discussions about things like race in the law so that students learn how to best work and counsel clients who may be of a different race, ethnicity, sexuality, gender, age, disability, class, or religion. In that case, you are losing thousands of current and future attorneys in this state. These are good students, and you should be fighting to keep them in this state and not drive them away because you are proposing legislation from a conservative think tank. Just because you may see no value in keeping programs like these or see no benefit of DEI training, does not mean others do. I have one more thought I'll finish. Please listen to the students who have been here today. There are a lot of students here speaking, and we are the ones most affected by this law. So please listen to the students and people who have actual experience with these programs, especially the students and people of color. Thank you for your time. And I welcome any questions.

**ALBRECHT:** Any questions? Seeing none. Thanks for being here.

**MURPHY CAVANAUGH:** And I encourage you to listen to any of the attorneys on your committee to talk about the accreditation issue with law schools. Thank you.

**TALBRECHT:** Hi. Go ahead. Thank you.

**ANNIE McCLORY:** Hello. My name is Annie McClory, A-n-n-i-e M-c-C-l-o-r-y. I am currently a university student. And today, I am here to speak against proposed bill LB1330. Diversity, equity, inclusion. DEI is a necessity. There's no beating around the bush to it. It's a necessity. DEI provides a safe space for students of all kinds to exist and learn. It gives individuals who identify as part of marginalized groups that haven't, that haven't been shown the same support as their classmates. It provides them with a place for their voices to be heard and to stand up against the injustice they face every single day. DEI also gives people who haven't had to live those experiences a place to listen and grow, to hear friends open up about their lives and how their lives have been impacted simply because of their race, sexuality, gender, class, et cetera. It truly helps create an empathetic atmosphere that encourages conversations to be had-- important conversations. Without DEI, that safe space for the conversations won't exist. Without those conversations, nothing will be fixed. To clarify something I heard proponents say, it's not white voices being silenced-- especially because, well, hi-- and you can be part of a marginalized group while white. No one is being silenced. It might simply not be their time to speak. The only silencing that would happen is-- would be if, if bill LB1330 is passed. DEI is a necessity. Thank you so much.

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

**SANDERS:** [INAUDIBLE].

**WAYNE:** Huh?

**SANDERS:** Where's everyone?

**WAYNE:** Just restroom breaks and things like that. I got a kid at home, so that's why I'm stepping out. Seeing no questions. Thank you for being here.

**ANNIE McCLORY:** Thank you.

**WAYNE:** Next opponent. Welcome to your Education Committee.

**TONI MONETTE:** Good evening, Senators of the Education Committee. My name is Toni Monette, T-o-n-i M-o-n-e-t-t-e. And as a national board member of the League of Women Voters of the United States, a 13-year-proud member of Zeta Phi Beta Sorority, Incorporated, and a higher education and nonprofit professional, I stand before you opposing LB1330. In the early 1900s, when my organization was established, DEI was an afterthought. It was borne of the very thought that we need diversity, equity, and inclusion to move our communities forward. In fact, it has moved several of the successes mentioned by some of the proponents forward in our communities. As a resident-- a lifetime resident of Nebraska, I do not have the opportunity or option to disengage from or ignore the concepts of diversity, equity, and inclusion. They are part of my lived experience every day. I count the ability to ignore these values as a privilege. To start, the definition of the activities prohibited under the bill represent a disconnect between what diversity actually shows up as in our communities and an academic definition with very little context, which can rarely be understood by laypeople. And particularly, it, it seems that there are some-- there's some confusion around those terms with the committee members. Diversity is the who around the table, and our higher education institutions are who is vast and infinite, from all ethnicities, backgrounds, and experiences, contributing to a holistic student experience where we are able to find community with each other and informed and active citizenship, which is a part of my role at the university. It will not be under the passage of this bill. If brain drain of our students is of such grave concern, we should endeavor to create Nebraska communities, educational institutions, and livelihoods that support and value our differences and our histories and the longevity of our families and legacies rather than attempt to stifle them. On equity, it refers to proportional opportunities based on the individual or community's specific circumstances. It does not mean giving the same thing to everyone. Under this context, I ask you. When you think about any great-- and I put that in quotation marks-- war or social movement that ever occurred, from Civil Rights to Vietnam, the thing in question was always power and justice. If we cannot talk about these things and teach people to understand them on the grounds of an educational institution, how do we meet our mission? How do we create communities that thrive? And inclusion, a sense of belonging. We must create spaces where authentic humans can thrive. This bill eliminates that opportunity and all concepts of it. My life's work has been to advance the culture and mission of those who have long been marginalized in our society, in our communities, and even in the state we call Nebraska nice. I believe in accessibility and opportunity and have advocated for it my entire life, from voting rights to serving my

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community directly-- for all the people. And the fact of the matter is, historical facts cannot be refuted, but history can be repeated. So I ask you to think about what this bill does. Does it repeat history or does it allow history to be taught and allow our communities to expand their knowledge? I choose to ensure that we learn and grow together. And for this reason, I oppose LB1330. Thank you so much.

**WAYNE:** Thank you. Any questions from the committee? Seeing none. Thank you for being here.

**TONI MONETTE:** Thank you.

**WAYNE:** How many more testifiers do we have today? Cool. Thank you. Just want to remind people that we do have gold sheets. If you don't want to testify but still want to be a part of the record of your opposition so you don't have to repeat things that were said, please fill out a gold sheet and it'll be a part of the record. Next opponent. Welcome to your Education Committee.

**VELMA LOCKMAN:** Good evening, Senators. My name is Velma Lockman. That's V-e-l-m-a L-o-c-k-m-a-n. I'm here to testify against LB1330. This bill will have a chilling effect on speech in a part-- in part due to this ill-defined terminology. For example, this bill includes advancing theories of transgenderism under its definition of DEI. What does transgenderism even entail? First, this term betrays the transphobic motivations hidden within this bill by using a term that implies that being trans is an ideological position rather than just an aspect of someone's being in the same way that the term homosexuality is used to invalidate people's identity by positing homosexuality as an ideological position. That aside, the term can be so narrowly construed as to pro-- prohibit training covering discrimination against trans people or so broadly so as to prohibit training encouraging respectful behavior toward gender-nonconforming students and coworkers. This term does not clearly indicate what sort of training is prohibited. This bill also prohibits training concerning microaggressions. A microaggression is a statement or action constituting indirect, subtle, or unintentional discrimination against members of a marginalized group. This prohibition will create a chilling effect against employers and educational institutions addressing bigoted behaviors that are expressed through repeated microaggressions. In effect, this bill prioritizes the comfort of bigoted students and employees at the university over creating a welcoming environment for marginalized students and employees. The final subsection of this bill states that, quote, this section does

not preclude an-- a public educational institution from offering training on sexual harassment. Senators, how on earth is the university supposed to offer training on sexual harassment that's sensitive to the experiences of LGBT students if this bill prohibits training from discussing sexual orientation and gender identity and heteronormativity? Between half and 2/3 of trans people experience sexual violence at some point in their lives. The rate of sexual violence against lesbian, gay, and bisexual people is also frighteningly disproportionately high, and those statistics become even more staggering when you account for LGBT stu-- people of color. If this bill restricts training concerning sexual harassment and violence from discu-- discussing these issues, it will put LGBT students in harm's way. That is an issue with deadly consequences. Almost three years ago, then-Regent Pillen attempted to silence conversations about racism at the University of Nebraska through a ban on, on what he referred to as critical race theory. Students testifying in opposition at the time argued that it would create a chilling effect contrary to the objectives of an academic institution. Since then, since then, the boogeyman of CRT, which was weaponized as a euphemism for those who wished to censor any candid discussions about racism, has morphed into a more expansive boogeyman of DEI, which is weaponized as a euphemism for those who wish to censor candid discussions about any oppressive social systems. Senators, if you believe in free speech and open inquiry and believe that there's a place for all students at the University of Nebraska and, and if you reject the unfortunate slogan, "Nebraska, honestly, it's not for everyone," then I implore you to reject this discourse-chilling, exclusionary bill. Thank you.

**WAYNE:** I appreciate you being here. Any questions from the committee? Seeing none. Thank you for being here. Next opponent. And we are getting more gold seats. I know a couple people just went over there. We are getting more gold sheets for you for you to fill out. Welcome to your Education Committee.

**CHANCELLOR GLASS:** Thank you, Senator. Good evening, Senators. Thank you for having me today. My name is Chancellor Glass, C-h-a-n-c-e-l-l-o-r G-l-a-s-s. I come here to voice my opposition for LB1330. I am a student of the University of Nebraska-Lincoln College of Engineering. Before attending University of Nebraska-Lincoln, I attended Omaha North High School, which is a predominantly black high school in Omaha. This made me a minority there. After coming here to UNL on a scholarship for the financially needy, I quickly became a majority of the students there. DEI initiatives at UNL have helped my peers to come out of their shells and enrich my experiences at UNL as

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well. It is from these peers that succeed due to DEI initiatives that I have become a better public speaker, that I have gone and competed at competitions across the nation as a representative of the University of Nebraska-Lincoln, and that I have become a better student as well. There was a misconception earlier that DEI initiatives somehow dilute the experiences of students at UNL. I am in the opinion that these DEI initiatives only serve to enrich the experiences of people they affect directly and people that they affre-- affect indirectly, such as myself. I ask you to look towards the future of UNL and that it must have its best students put forward. The word "merit" and "meritocracy" have been thrown around earlier concerning UNL students. And I believe that if you wish for UNL students to be at their best and to really show their full potential in the merit that they hold within themselves, that you shut down LB1330 so that these DEI initiatives can continue to enrich the experiences of UNL students, both directly and indirectly. Thank you for your time.

**WAYNE:** Thank you. Any questions from the committee? Seeing none. Thank you for being here. Next opponent.

**ROSE GODINEZ:** Good evening. My name is Rose Godinez, spelled R-o-s-e G-o-d-i-n-e-z. And I'm here to testify in opposition to LB1330 on behalf of the ACLU of Nebraska. LB1330 is yet another educational gag order that seeks to erase discussions of school staff and students' experiences, including systemic racism, sexism, oppression, and privilege, from university and college campuses by prohibiting the spending and participation of programs and activities on diversity, equity, and inclusion as incorrectly defined in this bill. This bill will only undermine any progress we have collectively made as a state for a more fair and just Nebraska. And to be clear-- and to Senator Conrad's point-- it runs contrary to the Nebraska Supreme Court's decision, Board of Regents v. Exon, which specifically stated that the general government of the university is vested with the Board of Regents. Additionally, measures similar to this bill that have passed in other states have been litigated by the ACLU of Nebras-- by the ACLU and the courts on First and Fourteenth Amendment grounds. Advancing this bill is not reflective of the Nebraska that seeks to be inclusive or attract or retain a diverse staff or student body or community, for that matter. In fact, it would chill if not outright prohibit an employee at a Nebraska university or college from saying everything every person that has come and opposed this bill just said. For those reasons, we urge the committee to indefinitely postpone this bill.

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**WAYNE:** Thank you for being here. Any questions from the committee? Seeing none. Thanks again.

**ROSE GODINEZ:** Thank you.

**WAYNE:** Next opponent. Except for you because you yell at me in Judiciary all the time. No, I'm joking. Come on. Welcome to your Education Committee.

**MAGHIE MILLER-JENKINS:** I'm gonna have my son come up. I gave him a green sheet, so he's going to come up after I say mine. [INAUDIBLE] he's going to say whatever he wanted to say. I--

**WAYNE:** Would you spell them both for the record?

**MAGHIE MILLER-JENKINS:** Yes.

**WAYNE:** OK. Go ahead.

**MAGHIE MILLER-JENKINS:** OK. So my name is Maghie Miller-Jenkins, M-a-g-h-i-e M-i-l-l-e-r-J-e-n-k-i-n-s. And what you're going to be handed is a photocopy of this. This is my uncle's memorial packet.

**WAYNE:** Now, I'm going to be real strict on props, so I'm going to need you to put that down. You know that from Judiciary.

**MAGHIE MILLER-JENKINS:** Right. I just wanted to show what was on the picture.

**WAYNE:** I understand. Go ahead.

**MAGHIE MILLER-JENKINS:** OK. So the reason why I'm giving you a piece of this is I want you to walk away from this interaction with a little snippet of my history. My family has already paid in blood and bodies for Nebraska. My uncle was murdered by the KKK in a Lincoln jail. My grandmother was murdered by the Omaha Police Department. I have already paid my dues. I have already done everything that my family-- my dad is a vet. Was a vet. He was a marine. Died from Agent Orange from serving in Vietnam. My family has paid their dues. And I am sick of boomers coming up here with bastardized bills trying to take away more of my rights. In my opinion, if you were born prior to desegregation, you shouldn't have any opinion on DEI because you were raised in a world where it wasn't prevalent. So if anybody feels attacked by that, good. Because I'm not here to make friends. I'm here to make change. I don't think that any boomer should be making any laws that affect my children because you are so far disconnected from

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the world that we are currently occupying you don't have room to speak. So you need to sit down and let those of us that live this life and have to put up the next generation in this life, you need to sit back, sit down, and sit silent while we handle bringing in a new world that brings in diversity, equity, and inclusion because that is the only way forward. So shame on you. Shame on Albrecht. And shame on every senator that signed onto this bill. That's my piece.

**WAYNE:** As always, as always, thank you for being here. And we'll have-- yup.

**MAGHIE MILLER-JENKINS:** I'm sorry. If you know me from the-- nothing else, you should know because I'm not, I'm not nice. I'm not here to make friends.

**WAYNE:** You're fine. You're fine.

**EDWARD JENKINS:** I just needed to tell you that--

**WAYNE:** Can you, can--

**EDWARD JENKINS:** --what's the point--

**WAYNE:** Hold, hold on one second. I'm going to, I'm going to have you spell your name for the record.

**MAGHIE MILLER-JENKINS:** Spell your first name. It's E-d-w-a-r-d J-e-n-k-i-n-s for his name.

**WAYNE:** Don't worry. I'm, I'm 44 and I still forget to spell my name when I come up here, so you're fine.

**MAGHIE MILLER-JENKINS:** It's intimidating. Go ahead.

**WAYNE:** Yes, it is. Go ahead.

**MAGHIE MILLER-JENKINS:** So speak into the microphone and tell them whatever you wanted to say about it.

**EDWARD JENKINS:** I just needed to say a few words. What is the point in the bill-- in any bill if they're only going to take away rights that people need? What is the point in any of them if they're only going to take away rights? If they take away rights, why do you make them? Why do you need them? That's all I wanted to say. Thank you.

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

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**MAGHIE MILLER-JENKINS:** I just want to toss in, out of the mouth of babes and do better, Murman.

**WAYNE:** All right. Any questions from the committee? Seeing none. Thank you for being here, as always. I will see you tomorrow in Judiciary. Next [RECORDER MALFUNCTION] Welcome to your Education Committee.

**RACHEL WEST:** Good evening, members of the Education Committee. My name is Rachel West, R-a-c-h-e-l W-e-s-t. And I'm the director of prevention and community development at the Nebraska Coalition to End Sexual and Domestic Violence. And I'm here to testify in opposition to LB1330 on behalf of the coalition and its network of sexual and domestic violence programs across the state. Many of these programs-- they offer a range of services to survivors of intimate partner violence, sexual violence, and sex trafficking in the communities in which they live. And many of these programs collaborate with universities and colleges to offer a comprehensive approach to these forms of violence on campuses across the state. This bill would prevent them from being able to do so. A comprehensive approach to violence prevention on campus must strengthen the conditions that protect students from violence-- so that includes promoting positive social norms, providing opportunities to empower girls and women, teaching students healthy relationship skills, and supporting survivors. It must also mitigate the factors that place a person at increased risk of violence, including adherence to rigid gender roles, lack of economic opportunity, and inequality. Effective programs must also address violence against those who are most impacted by violence, and this includes women of color and LGBTQ+ individuals. LB1330 will prevent Nebraska's colleges and universities from implementing effective approaches to reduce violence on campus. It will limit their ability to offer programming that reflects the needs of each unique campus community across the state as well as prohibit them from addressing factors that place students at increased risk for violence on their campuses. In fact, since LB1330 is in direct contrast to the evidence-based requirements of anti-violence funding offered at the national level, it would actually jeopardize campuses' ability to receive funding to create safe and protective environments for all students on campus. I provided a fact sheet that contains more information on violence in Nebraska as well as some of these risk and protective factors for violence that I've talked about in my testimony. Addressing these factors is critical to addressing violence on campuses. So on behalf of Nebraska Coalition and its network of programs, we ask you to oppose LB1330 and preserve the ability of Nebraska's colleges and universities to carry out comprehensive,

effective strategies to address these forms of violence across the state.

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

**RACHEL WEST:** Thank you.

**ALBRECHT:** Do we have any questions? Thank you, Senator Wayne, for covering. Seeing none.

**RACHEL WEST:** Thank you.

**ALBRECHT:** Thanks for being here. Next opponent.

**KEELY LIGHTLE:** All right. Good evening. My name is Keely Lightle. And I-- K-e-e-l-y L-i-g-h-t-l-e. I'm here to voice my opposition to LB1330. For education to be successful, it is important schools provide a safe and inclusive environment that allows students to maximize their potential. As a future educator myself, it is paramount to make each and every student feel supported, accepted, and welcome in the classroom. In order to maintain these strong principles in a school setting, we need to understand the lives, perspectives, and cultures of the student body. It is up to the universities and colleges to prepare future educators who will help every child succeed. If passed, this bill would prevent professional development concentrated on students' cultural backgrounds. For example, there has been an influx of Afghan students coming from a life of trauma and war. Eliminating professional development that helps future educators understand the life that they came from and the trauma they face will undoubtedly hurt those students. Future teachers would no longer be required to attend a training session where they can gain insight into Afghan history, customs, and cultures. This knowledge is indispensable from forming meaningful connections with their future students that enable them to thrive academically and socioemotionally. In building connections, teachers have to understand the cultural backgrounds of their students. Just as the education, education system cares for students that deal with anxiety and depression, students from war-torn countries deserve the same care and understanding we give to those dealing with mental health issues. Simply understanding the lives of students through professional education training will allow for a stronger teacher-student connection that will turn-- in turn, promote more learning in the classroom. Preparing teachers to meet the needs of diverse learning population is not just diversity training; it is an educational necessity. Providing training will help future teachers gain a better understanding of the students in their classrooms. If

there is a training session about the war in Ukraine in preparation for the refugees who are come-- who are going to be put in an American classroom, is it OK if one teacher does not believe they needed to learn this information? Do we want to put students in his or her classroom if the teacher is not willing to have a better understanding of the circumstances? In the Bible, Matthew 11:28 says: Come to me, all who you are weary and burdened, and I will give you rest. The Ukrainian and Afghan refugees and the students coming from other war-torn countries have faced horrors a lot of us cannot imagine. It is the responsibility of teacher preparation programs to provide the necessary training to help future teachers empathize with those students and provide them with an inclusive space where they feel safe and welcome. We need to accept all students unconditionally, including the weary, the poor, and the burdened. Everyone in this room has experienced some form of adversity. At one point, we've all been the weary and the burdened, facing struggles such as the death of a loved one, the end of a marriage, and the loss of a job-- something. In that moment, we have hope those around us will show a little more grace in our daily lives as we struggle through that difficult time in our lives. A refugee who has been uprooted from his or her country is obviously experiencing adversity. A caring teacher who has a better understanding of these circumstances will be more prepared to not just teach that student, but all students in his or her classroom-- in her classroom. For all of these reasons, I hope you will oppose this bill and allow colleges and universities to prepare educators who will build inclusive classrooms that embrace students' diverse experiences. Thank you for your consideration.

**ALBRECHT:** Thank you for your testimony. Do we have any questions? Seeing none. Thanks for being here.

**KEELY LIGHTLE:** Thank you.

**ALBRECHT:** Next opponent.

**DANIEL McMULLEN:** Hello.

**ALBRECHT:** Hello.

**DANIEL McMULLEN:** My name is Daniel McMullen. That is spelled D-a-n-i-e-l M-c-M-u-l-l-e-n. My pronouns are they/them. I am born and raised from Lincoln, Nebraska, and I am urging you to oppose LB1330. I want to start off by asking a questions for all-- a question for all the proponents and the signers of this bill. How short is your inclusivity stick? Because if your goal is to have a completely white,

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neurotypical, and straight state, then this bill absolutely supports that agenda. You can definitely see this very clearly from the proponents and the opposers of this bill-- aside from the one ethnic Jew that decided to name that of himself. The focus of this bill is targeted towards employees of state colleges or publicly funded institutions to not be required to go through DEI program training or other similar activities as listed in Section 1(a). Why is this the focus of this bill? Why is diversity, equity, and inclusion so difficult to accept or adhere to? It's because of the illicit biases put in place against, against minorities since the founding of this very country. We had a poson-- a person ask earlier, why is it so complicated? It's because me, as a white person-- we, as white people-- have historically been reluctant to own or take accountability of our actions and actions of the past. Put simply, you can't even discuss how America came into power without talking about structures, systems, or relations of power-- three things directly identified in the first section of this bill. The whole point of diversity is the inclusion of minorities inside of a majority. This is why, whether you like it or not, people of color, or nonwhite people, and queer people, LGBTQ individuals, are the best resources when talking about diversity because they are actual and they are informed and they experience diversity every day. This is also why it is not racial discrimination or racial privilege if a white person is not able to be a part of a black community on campus. We have to recognize that some things are not for us. We have to recognize that some things are not for our celebration. A lot of oppress v. oppressors has been-- like, said in this room today. I just-- boo hoo. Some things are not for you. I would like to finalize this by once again strongly encouraging you to indefinitely oppose this bill to keep Nebraska diverse and inclusive. And the good life should be for everybody. It should be. Why is it not? Any questions?

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

**DANIEL McMULLEN:** Thank you.

**ALBRECHT:** Next opponent. Hi there.

**ANDREA JOHNSON WYSOCKI:** Good evening.

**ALBRECHT:** Good evening.

**ANDREA JOHNSON WYSOCKI:** My name is Dr. Andrea Johnson Wysocki. A-n-d-r-e-a J-o-h-n-s-o-n W-y-s-o-c-k-i. And I am a sociology

professor here in Nebraska. I am testifying against LB1330 as a private citizen. The perspective I'm sharing today is that of an educator. I have taught college students sociology courses for seven years and also have personal consulting experience teaching DEI subjects for multiple local and national nonprofit organizations. Importantly, my students include people of different religions, races, ethnicities, genders, sexual identities, and political leanings. I share this because the rhetoric around DEI education is that students who learn about subjects related to DEI will feel shame or will be indoctrinated into a specific ideology. And I want to tell you that, from my experience as an educator, DEI is about building connections, sharing multiple perspectives, and engaging in critical thinking. In my classes, the goal is not to have students agree on every issue, but simply to hear multiple, multiple perspectives and seek multiple unders-- mutual understanding. And, in fact, I had a student here today who was a proponent of this bill and a student today that is an opponent of this bill. I find that most of my students are curious about the world around them, and my job as an educator is not to indoctrinate, but to provide students critical thinking tools, such as understanding how to read data, so that they may better understand the world around them. While DEI education contributes a multitude of benefits to students and work organizations, ignoring or prohibiting DEI education has multiple negative consequences for us all-- as we have all talked about tonight. I'm going to share a few more examples from history, brief examples-- I'm an academic; I only get three minutes-- in relation to the subject of race and racism to illustrate these negative consequences. First, if we ignore DEI education, misinformation can spread. For example, many people still believe the Lost Cause narrative, a false propaganda campaign promoted by the Daughters of the Confederacy over a hundred years ago. The Lost Cause narrative says that slavery was not the cause of the Civil War and that enslaved people were happy being enslaved. Historical sources have proven this narrative to be false. Even though the Civil War ended slavery in 1865 and because the U.S. has not fully reckoned with the structural effects of 250 years of the largest forced migration in history, the Lost Cause narrative still perpetuates over a hundred years later, showing what can happen when we avoid or dismiss education about DEI. Second, ignoring DEI education doesn't make social problems in our society simply go away. Today, one of the reasons contemporary racism perpetuates is because racism is structurally invisible to whites. Turning a blind eye to subjects around DEI, such as structural racism, not only disregards the issue but further perpetuates issues and violence in our society. Clearly, we can look to history to see what happens if we don't educate our

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citizens. If we truly want equality before the law, we need to vote against this bill. Thank you.

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

**DWAYNE HAWKINS:** Dwayne Hawkins, D-w-a-y-n-e H-a-w-k-i-n-s. Come to voice my testimony against LB1330. And, and I want to try to share a-- perhaps a different perspective than what we've heard already. I'm a pastor and a pastor in Omaha, Nebraska, and, and I want to share some pastoral perspectives to the committee, particularly from the standpoint of pastoral care. And, and I just want to say that, that I believe that, from that perspective, this is an issue of humanity and our opportunity to transform humanity by caring for the souls of all Nebraskans. There, there, there is an African philosophy called "ubuntu" that simply states "I am because we are." And if, if, if the "we" is failing to be supportive of all Nebraskans, that significantly impacts our ability to build healthy identity and esteem in all Nebraskans. Again, from a pastoral perspective, it, it is my firm belief and conviction that every individual is worthy of being treated with love and dignity and respect; and to allow LB1330 to go forward would significantly impact that from happening. Also, I, I, I guess my final comment just, just comes from Scripture, the greatest commandment: to love God with all your heart, soul, mind. And second is likened to it: to love your neighbor as yourself. And so, so I'm against LB1330. And in, in doing so, I, I, I stand for our possibility of transforming humanity through how we care for the souls of people. That's all I have to say.

**ALBRECHT:** Thank you very much for your testimony. Any questions? Seeing none. Thanks for being here.

**DWAYNE HAWKINS:** Thank you.

**ALBRECHT:** Welcome back.

**PAUL TURMAN:** Good evening, Chair-- Vice Chair Albrecht, members of the Education Committee. My name is Paul Turman, spelled P-a-u-l T-u-r-m-a-n. I'm the chancellor of the Nebraska State College System. I'm here this evening in opposition to LB1330 for the impact it might have on our state colleges and the student success initiatives that we have. Certainly a lot of voices throughout the day today and into the evening that have highlighted the importance of this work, and so I want to just spend my time highlighting one of the three points that I wanted to bring to this committee tonight. Mainly, I think our concern

is the message that, really, this bill does send to our colleges and the students that we serve. Right now, when we look at the various performance indicators that we try to evaluate on our levels of success on, on helping the students that, that we work with, four ones really rise to the top: we want to try to increase enrollment in our institutions; we want to improve the overall retention that we have; we want to make sure that students persist on their academic journey; and then, ultimately, we want them to graduate here in the state of Nebraska. I think, across each one of these areas, it's pretty evident that when I look at and disaggregate that data, we have sizable equity gaps across almost every one of those. Just as some examples are first-generation students-- about 7% of them are less likely to be able to persist into their second year compared to the traditional student population. Same thing for low-income and, and Pell-eligible students. They're about 11% less likely to be retained in our system. I think more detrimental is the fact that we have students of color that are almost 16% less likely to, to move forward. I think as leaders of the state colleges, you expect me to improve on these metrics and, and ensure that we're doing more with the state resources that we have. But I also think it's important that you consider that student success is not just simply a strategy or that you can rely on luck. You really do really have to have intensive and strategic strategies in place that you're moving forward with to eliminate any inequities that exist. And so our ability to recruit, bring students in, get them to a degree is dependent on the ability to not be limited by other activities that might be represented in this bill. But I believe that you expect me and the presidents to implement strategies that will help us do this and, and give every student an equal chance to be successful, and I think this is an underlying premise that is maybe impacted by a bill like this moving forward. I'd ask that you might oppose this as it moves into your deliberations. I'm happy to answer any questions you might have.

**ALBRECHT:** Thank you for your testimony. Any questions? Thanks for being here. Next opponent.

**SABRINA SALRIN:** Good afternoon, members of the Education Committee. My name is Sabrina Salrin. That is S-a-b-r-i-n-a S-a-l-r-i-n. I am the youth program coordinator at the Asian Community and Cultural Center in Lincoln. And today, I am speaking on behalf of myself in opposition to LB1330. I graduated from the University of Nebraska-Omaha in 2022 with my Bachelor of Arts in English. There, I was a Goodrich Scholar from a scholarship program that was established by the Nebraska Legislature in 1972, which came at a time when the university system was aiming to narrow the racial divide in the state and recruit

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low-income and diverse populations. Over 50 years later, and I am a product of that same program, which allowed me to stay in Nebraska and attend a college that would have otherwise been unaffordable to me. At UNO, I helped build the Exploratory Studies Program and mentored several of my peers. I also worked as the director of the Multicultural Students Agency, where I was able to support university students from underrepresented multicultural backgrounds. Outside of this, I frequently engage with the Office of Multicultural Affairs, which created a welcoming space that facilitated the building of relationships through cultural events and guest academics. After graduation, I started in my role at the Asian Center, where I have the privilege of leading our youth program, which has especially benefited from the opportunity to engage with DEI offices and student organizations, as it encourages youth to explore the option of pursuing higher education as first-generation college students. I am oftentimes reminded of my own journey and think about how these experiences are encouraging Nebraska youth to attend local colleges and stay in Nebraska. All that is to say, were it not for UNO's DEI programming, I would not be where I am today. It is because of DEI that I was able to stay in Nebraska and am now encouraging our youth to stay as well. With this in mind, I ask that you please let LB1330 die in committee and ensure that people like me continue to make Nebraska feel like home for everyone. Thank you for your time, and I'm happy to answer any questions.

**ALBRECHT:** Thank you very much for your testimony. Any questions from the committee? Seeing none. Next opponent. Good evening.

**CHRIS KABOUREK:** Good evening, Vice Chair Albrecht, members of the Education Committee. My name is Chris Kabourek, C-h-r-i-s K-a-b-o-u-r-e-k. And I serve as the interim president of the University of Nebraska. And I'm here to share the university's opposition to LB1330. We've heard a lot of dialogue this afternoon and this evening-- and I don't need to tell you this is what democracy looks like. And I'm proud to say, at the university, each and every day, this is what you hear in our classroom: dialogue dealing with difficult, challenging issues. And that's what we do when we educate. So I appreciate Senator Murman opening this dialogue, and I look forward to working with him more on the bill. I'm not going to read my handout testimony. I don't want to repeat what others have already said-- probably more articulately than I could said, said. And so I'm just going to say a few remarks about our viewpoint from the university. From the university's perspective, I share Chancellor Turman's concern. We are concerned about how this bill would impact our ability to compete for students, for faculty, and staff. In

addition, as already mentioned, we are concerned about what impact the bill would have on our board's constitutional authority to govern the university. I think we all value diversity and the benefits of being, of being welcoming. Certainly, that's the kind of environment we strive and want to, to create on our campuses. And we all want to be a university to be the best it possibly can be. And our job is to support every single student no matter what their background. That's my goal as president and as someone who was the first in his family to go to college. That's near and dear to me. And I want to pass that opportunity on to the next generation. I think all Nebraskans are aligned around the idea that every single young person should be able to chase their dreams right here in Nebraska. I know our board shares that vision, and I have confidence in our regents to chart our path forward. And we'd ask you to oppose LB1330 and now-- allow us to work with our board to do what's best for the university. With that, I'd be happy to answer any questions. Thanks for all that you do.

**ALBRECHT:** Thank you for being here. And any questions from the committee? Seeing none. Thanks for coming in again. Good evening.

**RACHAMIN ZAMEK:** Good evening. Good evening. My name is Rachamin Zamek, spelled R-a-c-h-a-m-i-n Z-a-m-e-k. I am a student at the University of Nebraska-Lincoln and vice president of UNL Hillel, Jewish Students Association. As a member of the UNL Jewish community, I stand before you today to express my concerns about the impact LB1330 will have on my community and me. During my time at UNL, a student I lived on the same floor as frequently made posts on a private Snapchat story they titled "Auschwitz Shower Hours." Another student I was in a class with made a joke about adding showers and gas chambers to the escape room they were designing for class. These two incidents display how normalized anti-Semitism is today and the necessity to fight against it. Fighting anti-Semitism requires an understanding of what it means to be Jewish. Jewish identity is not simply an adherence to the religion of Judaism, but instead exists as a combination of a religious, cultural, and ethnic identity, making Jewish identity and the Jewish experience an instance of intersectionality. In addition to prejudice and hate, anti-Semitism can also operate as unconscious or implicit bias and cultural appropriation. LB1330 would be a major obstacle in the fight against anti-Semitism because its very specific wording prohibits the advancement, promotion, and/or adoption of the topics of intersectionality, unconscious or implicit bias, cultural appropriation as an official position of the university or training of its staff. To put it simply, the university will not have the tools to fight anti-Semitism and understand Jewish identity if they cannot use the vocabulary and theories necessary to understand them. I can also

attest to the fact that, in the past school year, one of the offices of the university that has helped us the most in tackling anti-Semitism has been the Office of Diversity and Inclusion. This bill, with its specific prohibitions of the employment and use of public funds for supporting DEI programs for university staff, will be a debilitating blow to our fight against anti-Semitism. As vice president of UNL Hillel, for the past two years I have been asked multiple times by parents and prospective students at UNL, is it safe for Jewish students? And in the past, I have been able to say with pride that though anti-Semitism exists everywhere, including UNL, that they will be safe and that the Office of Diversity and Inclusion has the tools to advocate for them. With the passage of this bill, my answer will have to change for the worse. Thank you for your time.

**ALBRECHT:** Thank you very much for your testimony. Questions? Next opponent.

**STEPHANIE BONDI:** Hello. My name is Stephanie Bondi. That's S-t-e-p-h-a-n-i-e B-o-n-d-i. I'm here speaking on behalf of myself. I want to thank the students who came out today to tell their stories. As you've been able to see, many of the stories have been about significant impacts in their lives, and they've talked about being scared and they talked about they don't know if Nebraska is a place for them. What I do is study higher education. I have a PhD in educational leadership and policy studies. On the second page of my handout, you'll see some resources. The literature substantiates what the students are sharing with you, that students in minoritized groups without proper support and groups, affinity groups that they can be with and support to have those affinity groups on campus, that we struggle to retain them, that their experiences are not very good on college campuses. I also want to point out that we know what will happen. We can predict that if diversity activities and offices are eliminated, we can predict what will happen because there's already comparisons of different institutions and their levels of diversity, support, and activities. It will affect the critical thinking skills, the active learning skills, and engagement. And those will decline for all students. We're not talking about small groups of students. We're talking about all students. Retention and recruitment of students in minoritized groups will decline. Students will be less likely to complete college. Contrary to the idea that diversity programs push out white students, the research says that these activities are a factor in increasing students continuing in college and how much they learn. So I say a vote no on this bill is a vote for Nebraska. Thank you.

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

**T. MICHAEL WILLIAMS:** Good evening. T. Michael, M-i-c-h-a-e-l; Williams, W-i-l-l-i-a-m-s. I'm here representing the Omaha NAACP as well as the Nebraska-- excuse me-- the New Era Baptist State Convention of Nebraska. Just a few comments based on all that's been said. First of all, I came to Nebraska in 1986, been here a number of years, see myself as a Nebraskan. And I hope we're not following the thinking of men like Edward Blum from Texas, the billionaire who pushed the Supreme Court-- the affirmative action to be reversed by the Supreme Court. Or, or William Ackman-- other billionaire-- who, who sued Claudine Gay-- first black woman president of Harvard University-- out of her position for plagiarism. And then turned out his wife was a plagiarist. I think what Pastor Hawkins said was accurate. Our state, unfortunately, has not practiced love, dignity, and respect-- one person said the whole country. My father told me, Michael, if you want to finish well, you have to start well. And we have to acknowledge that Nebraska did not start well. I mean, in, in 1866, Nebraska was denied statehood because it did not want to allow African-American men to vote-- African-Americans, period. But, but the, the, the point simply is that this needs to be funded publicly because it's a public problem. It's a public problem. A lot of other things I planned to say, but I'm going to just ask you all this as a committee of our State Legislature. We've been here for over three hours on this topic, and I think we missed it because I think we all agree there's division in our society today-- unnecessary, that hinders us as Americans being Americans. I think it would be better in your process-- I, I think you set rules at the beginning of the, of the session-- I think it would be better in your process if you allowed what we've been doing here tonight to happen: opponent, proponent. I think there are a lot of people who left here early who would have benefited from hearing what the other side had to say, at least on these types of issues. I think-- because we want to heal the divide. Isn't that right? We don't heal the divide if we don't talk to each other, if we don't understand how each other thinks and, and what-- why you're saying what you're saying. There were some folks that said some stuff at the beginning of this thing that-- man, I was like, they don't get it. But maybe there's some stuff I don't get. Listen, I think the process has to change. Yeah. Thank you very much.

**ALBRECHT:** Thank you very much for being here. Appreciate your testimony. Anybody have any questions? Seeing none. Thank you very much for your comments. Next opponent.

**JACQUELINE GOMEZ:** Hello?

**ALBRECHT:** Hello.

**JACQUELINE GOMEZ:** OK. Good.

**ALBRECHT:** Welcome.

**JACQUELINE GOMEZ:** Thank you. My name is Jacquelyn Gomez, spelled J-a-c-q-u-e-l-i-n-e. In a few seconds, you'll receive a very poorly written draft of various points of things that I was going to bring up. But after hearing a bunch of testimonies, I'm just going to wing it. So first off, I'm a college student at UNL studying advertising, political-- advertising and public relations with a minor in political science. And I strongly oppose this bill. I was born and raised in Omaha. And I went through the public school system, which, in my experience, was harsh at times. For example, I entered not knowing English. So I was placed into the language program. Unfortunately, even through that inclusive program, I experienced discrimination, I experienced scrutiny to a point where I once had a teacher who did not let me use the restroom for the fact that I did not know English and humiliated me in front of the-- in front of a bunch of my peers. And I was only six years old. So I understand that, from my identity, I have been constantly othered. And that being said, from first glance, you might not know my experience or who I am. I am-- some of you might guess that I'm Hispanic and I'm a woman. But other things that you may not know is, growing up, I was that annoying person who was the class pet that a bunch of their classmates hated. I completely get it, you know. I hated me too. But on top of that, I was gifted in the Gifted and Talented Program. I received a presidential education award in middle school. I did so many things, but-- I'm not really here to talk about the good things. I'm here to talk more about what I consider calling dishing my dirty laundry because I feel like some people need to listen and understand other backgrounds. I am considered disabled according to UNL. I have PTSD. I had a traumatic brain injury. I have survived kidnapping. I am a survivor of violence, of sexual assault, of grooming, of a stalker. But you can't see that from just looking at me. You would only understand that if you heard me or if you talked to me or if there was those spaces, which DEI provides. And DEI programs itself have provided me the resources to keep going, to still be here. And I truly think if you don't support DEI, you're doing a great disservice to a bunch of your constituents, to a bunch of people who have-- are very multifaceted, and that this exact thing that we're opp-- that some people are opposing-- which is-- honestly, I think it would lead them to their death. They would lead, lead them to live--

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to live in fear, to assimilate, to be ashamed of who they are. It would lead them to want to leave and not come back. We are already regressing. A lot of people talk badly about Nebraska as a state, and this would only contribute to that. If you really want to make Nebraska a great state, then you should oppose this bill. Listen to your constituents. They are willing to tell you. Some might be angry, some are more willing. But listen to them. And that is-- I-- thank you. If you have any comments, concerns, I am here to answer. Also, on the back of the page is my email in case of anything. Thank you.

**ALBRECHT:** Thank you so much for sharing your story. Thank you. And no questions, obviously, so. OK. Next opponent.

**AL DAVIS:** Good evening to all of you. And thank you for your patience. And we appreciate the opportunity to testify before the-- Education. So my name is Al Davis, A-l D-a-v-i-s. I am the registered lobbyist for the Nebraska Chapter of the Sierra Club. And I'm here today per their request to oppose LB1330. It saddens me to see a bill like this introduced in our state. And the members of the Sierra Club are particularly outraged that this legislative body is considering a bill which would restrict the activities of our state colleges and impose a straitjacket on what an acceptable training program at our colleges would be and among our students. The bill is ordering our state colleges [INAUDIBLE] under to a sort of a we-knows-best ideology from the Legislature, which apparently believes our young people must be sheltered and coddled to protect them from ideas which might expand their minds and help them to recognize the fundamental struggles which other young people may be experiencing due to their upbringing, race, color, gender, sexual preference, or poverty. The bill provides rights to a college employee, which are somewhat undefined and could easily open the door to lawsuits against the school. And the bill greatly restricts what a college may do. When did the words "diversity" and "inclusion" become words with a negative meaning? Our nation has celebrated the diversity for decades. My mother was born in Alliance, Nebraska in 1911 and recalled a Ku Klux Klan parade down Box Butte Avenue when she was a child. The Alliance KKK was targeting Catholics in the community at that time. My mother's mother came from Chicago, where there were signs stating "no Irish need apply" for jobs. My father's mother was a widow and told my neighboring-- told by neighboring men that, that she wasn't capable to run a ranch because she was a woman-- a woman who couldn't vote at the time. My uncle was one of the first Americans at Dachau concentration camps near Munich. In 1970, I was attacked by people who were threatening to cut my hair, people who mixed up appearance and patriotism. These are personal stories, but they illustrate why diversity and inclusion are important

key parts of educating and creating a whole person who possesses compassion, understanding, and tolerance and why diversity training shouldn't be eliminated but enhanced. Where would this nation be without the likes of Nebraskans like Standing Bear or, or Malcolm X, Alabama's Rosa Parks, First Lady Eleanor Roosevelt, or Presidents Lyndon Johnson and Abraham Lincoln, great leaders for whom diversity and inclusion were paramount for the times in which they live and led the nation to make positive changes? This bill contains a dog's dinner of terms, none of which are defined within the bill, which are subject to interpretation and apparently are associated with diversity and inclusion programs elsewhere. The language is vague and poorly constructed. But one thing is certain: young Nebraskans aren't stupid. They want to experience the new, the different, the challenging, the intellectual, and the controversial. Today, our colleges are struggling to fill their classrooms. Passage of this bill will aggravate the problem of empty classrooms. Imposing mindless rules and restricting what our colleges can and can't do, who they can and can't hire, and who-- what they can and can't say will percolate into more students leaving the state. That is a guarantee. The reputation of our colleges will be damaged. The state will appear to be an unbecoming, backward place to live where the residents are intolerant and ignorant, and we aren't that. Young people leave the state seeking diversity, not fleeing from it. Thank you very much. Appreciate the time.

**ALBRECHT:** Thank you for being here [INAUDIBLE] Senator Davis. Any questions? Seeing none. Thank you for being here. Next opponent.

**LAURA GRAMS:** Hello again. My name is Laura Grams, L-a-u-r-a G-r-a-m-s. And I'm here to represent the UNO Chapter of the American Association of University Professors. I am not speaking on behalf of the university for my employer. I just want to hit the highlights to save some time. I think that the previous few hours have shown us that this bill, whatever the intentions behind it might have been, the effect will be to make the university appear unwelcoming. And we know that's not true of the university. We know it's a welcoming place, and we don't want to have that impact. For me, this is largely about recruitment and retention of students, of staff, of faculty. And I'm concerned about the impact that this bill will have. I think it will damage the university's reputation. And I, I, I think you've heard of something called the enrollment cliff. And if you haven't heard of it, that is essentially what is meant by the idea that the population of 18- to 24-year-old students is shrinking, and that's going to continue happening. Not all institutions will survive the competition for students over the next decade. We need our Nebraska students and

families and students from out of our state to know the University of Nebraska is the right place for them, that this is the place they should stay to develop their careers and futures. And we want everybody-- whether they're an 18-year-old in their very first semester or someone coming back to finish their degree to earn a new credential. We want them to know that they feel welcome and supported on our campus. Finally, I just want to address as a faculty member how important it is to me personally and to many faculty that I know well-- and I feel that I can speak for many of us when I say we are not in the business of telling people what to think. I do not want to teach to tell people what to think. I want to help them develop their own ideas. I want them to be excellent at expressing those ideas no matter what they are. I want them to pursue the expertise that they have come to us to create in themselves, no matter what it is. And-- so I think it's really, really important, not only as a faculty member, but also as a mother of kids who wants them to feel excited. I want them-- and I want their friends to feel excited about Nebraska, to feel like it's a great place not only to go to school, but to stay, to raise a family, to live, and to, and to advertise to others. So I, I know that the state is a great place. I want everybody to feel the same way that I do about it. And I hope for that reason that you will decline to pass this bill. Thank you.

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

**ASHLEY ALDABUTE:** Hello. My name is Ashley Aldabute. That is A-s-h-l-e-y A-l-d-a-b-u-t-e. Just going to start off my testimony with a bit of a story. I am a recent graduate, graduate of Creighton University. While I really enjoyed aspects of my time there, there were definitely some points that really emphasized the necessity of DEI as a structure. One, in one of my classes, we did a roleplaying exercise where we pretended we were a genetic counselor counseling a family. And two of my male group mates got together and they laughed about how absurd it was, the idea of a same-sex couple going to genetic counseling. As a gay woman, listening to that conversation talking about how stupid this is, how weird this was, how this would never happen, it concerned me. This is the future generation of physicians, nurses, teachers, people that will one day probably be providing me health care or I may be working with them. And it makes me afraid. Are these people going to snicker about me behind my back? Are they not going to provide me care? And this is why we need DEI. Do I think those people are bad people? No, but they are ignorant, and they need opportunities like this to have that education. And without that, it just continues to compound the societal injustices that

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plague our nation. And it's really frustrating that rather than helping fix these divides and improve these issues, we're trying to get further divides between us. I think the numbers speak for themselves. A lot of people here took time out of their day-- people with families, careers, potentially illnesses and things going on to speak their mind on this issue. And I hope that that reflects to all of you how important it is that things like this-- to not continue to roll back the protections we have in Nebraska. I know. I've heard it from certain senators that they do not want a repeat of the legislative cycle yest-- last year-- divisive, hyperpartisan legislation tearing us apart and making Nebraska a more difficult place, more late nights, more relationships broken, more trust broken, more people leaving our state. I know it's in all of our best interest to make Nebraska a better place. And as people with the ability and the power, I encourage you to focus less on partisanship, less on exclusion, less on ignorance, less on fear that somebody else succeeding means that I won't get to succeed as well. Let's please stop and please work on making Nebraska more inclusive, making Nebraska a place where people want to stay, and abandoning hyperpartisan, negative, ineffective, unhelpful, unhelpful efforts in this state. Thank you.

**ALBRECHT:** Thank you for your testimony. And congratulations on graduating.

**ASHLEY ALDABUTE:** Thank you.

**ALBRECHT:** Any questions from the committee? Seeing none. Thanks for being here. Next opponent.

**REGINA WERUM:** Good evening, everyone. And thank you for your patience. I'm Dr. Regina Werum, R-e-g-i-n-a, W-e-r-u-m-- faculty member at UNL, public school parent, and paying-- sorry-- voting taxpayer. I'm here to speak against this bill, but just for myself. I'll try not to repeat what others have said either. So you tell me, how are we supposed to grow enrollment and the taxbase and support heterogeneous cohorts of students if we don't understand the challenges they face? DEI programs have two purposes. They often get conflated. Yes, they are designed to train people, sensitizing them to challenges others experience so that they can try to imagine walking in someone else's shoes. That's how it work. And it can be uncomfortable, yes. Give you an example. I work with Husker Dialogues at UNL. That's really often the first time our freshmen get a chance to talk about, have a conversation with one another what, what DEI means to them. We've been doing this for a decade now. These are difficult conversations. This

past fall, one of my group participants said to me, why do you want us to talk about diversity now when all of our lives our adults have been telling us not to do so? Ouch. The second purpose of DEI programs, of course, is also to provide much needed support and assistance to those in need. That comes in many forms. For example, the Nebraska Promise and the First Husker Programs are DEI initiatives. You can't just support DEI efforts that benefit you, yourself, and people who are just like you and then turn around and oppose DEI efforts for people whom you perceive as being different from yourself. That's not the way it works. And forgive, forgive the quip, but who wrote this bill, ChatGPT? I've seen better drafts on that program. At face value, this bill seems to have-- seems to violate both the ADA in terms of part one and the state constitution in part two. The Legislature has no business, no say in regulating curricula. Yet the bill has explicit connotations for that. Pass-- part 2(g), states, you shall not promote or adopt blah-blah as the official position. Well, what do you think gen-ed courses are? I'll keep it personal. We can't talk about social justice, as in how nitrate and lead pollution create a disparate impact for rural communities and communities of color? We can't show statistics about how maternal mortality disproportionately harms women of color because it illustrates intersectionality? We can't talk about food deserts in Omaha and western Nebraska or the shortage of rural health care workers to illustrate structural inequities? Our students can't read about job discrimination against veterans and people with disabilities because there's explicit and implicit biases? Hold the presses. You're trying to jeopardize our accreditation, and you're also jeopardizing the-- whatever remains of our national standing at the university here. The AAU, the Big Ten, they don't take trade schools. They take schools with comprehensive curricula, and this is part of it. Be careful what you ask for. You will not like it when you get it. Thank you. Available for questions.

**ALBRECHT:** Thank you for your testimony. Any questions?

**CONRAD:** Thank you.

**ALBRECHT:** Thank you. Hello.

**JAILAIYAH ROUSE:** Hi. My name is Jailaiyah Rouse, J-a-i-l-a-i-y-a-h R-o-u-s-e. First, I want to say that if you are tired today and you have sat on your phone while anybody is sitting up here talking to you, well, we're tired too because every day and every year we have to sit and defend why we need to be able to tell our stories, why people need to sit and value them, why we actually need to be seen and valued and actually exposed to stuff on campus. So if you sat there and did

that, thank you so much for not caring. You probably should. Do a little bit more. But anyways, on a more serious note, I not only came to campus as a black student; but going into my sophomore year, I actually got shot multiple times. I don't even tell my story, but I got shot multiple times and became a student without-- with disabilities. Coming into the 2022 spring, I ended up being a student with disabilities, being a black student, and being undervalued as that anyways. And the only people who actually wanted to care about what happened to me and understand how my story continues to diversify over everything are people inside of DEI and inside of [INAUDIBLE]. And so another thing I want to say within that is that when I came back that semester, knowing that people would not value my story and understand how much it continues to diversify, I still came, had to get all these great grades. Got all A's that semester, 4.0. Not too much. It, it will never be merit that would take me out. But-- or anybody that came to talk today; it will never be merit. But, yeah. So I came back that semester and I had to do these things just for the simple fact that people are not going to care that I went and got shot or that I was black in these different situations even though those are significant points as to what could have held me back, but I'm still excelling. Another point I want to say today is that I am a future educator. I study Spanish education. I have a minor in ethnic studies. I study Spanish just because I know the value in other communities and I know that they need to be valued and I need to understand them just as anybody who does not look like me needs to understand them as well too. And being one of the only black teachers inside of the College of Education and being inside of that space, I know that the future educators and the ones on campus that are being professors and TAs and all of that need to have the training because they don't understand a lot of things that come with people's stories who continue to diversify just as mine does and continues to as somebody who's not only a black student but also a gun violence survivor. And if I didn't say-- 12 times. Didn't get to walk for a while. And, yeah. So I understand what it feels like to not only value my education right now, but I know that my students need professors and teachers and spaces like the ones that I've been afforded to on this campus in Nebraska. Thank you.

**ALBRECHT:** Thank you very much for sharing your testimony. Any questions? Seeing none. Thanks for being here. OK. Next opponent.

**HOLLY SMITH:** Hello. This is my first time ever testifying, so.

**ALBRECHT:** Welcome.

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**HOLLY SMITH:** But my name is Holly Smith, and that's H-o-l-l-y S-m-i-t-h. And I am also sorry I didn't print off a speech. I wrote this in, like, five minutes and been edited it in the past few hours. So I find it disrespectful to not only bring this bill up at a time when there are currently 23 active genocides, and 2 of those are here in the U.S. with the Dakota natives and here in our state with the trans and LGBT community. And they're, and they're just starting to see the beginning of that genocide. I also find it highly disrespectful to bring this bill up in Black History Month. I am digging up my family's history because segregation split my family into two. I have, have-- I have so many members of my family that I'll never even know about. But with everything else, they buried my family's history. My great-great-grandfather, McCarter Byrd [PHONETIC], would be so mad if he was here. His daughter, my great-great-grandmother, Lucy Byrd [PHONETIC], who was a teacher at 15, would be mad. So I'm here mad for them because people like you are repeating history and erasing history. Make the right choice and be the change the world needs instead of continuing to kill this state. Oppose LB1330. I also noticed that this table says not to move it, but if Jesus was here, he would flip it.

**WAYNE:** That's pretty clever.

**ALBRECHT:** Thank you.

**WAYNE:** That was clever. I like that.

**CONRAD:** Thank you.

**HOLLY SMITH:** Oh, yeah. I forgot [INAUDIBLE].

**CONRAD:** That's OK.

**WAYNE:** You're OK.

**ALBRECHT:** Hello.

**ZOE MILLER:** Hello. Good evening, members of the Education Committee. My name is Zoe Miller, Z-o-e M-i-l-l-e-r. And I'm a student at University of Nebraska-Omaha. I'm here today in opposition to LB1330. Since I started college in the fall of 2020 at UNO as a student, I found community, belonging, and positivity from different academic and programming departments that plan and execute events, advance my learning, and fill a gap related to the diversity, equity, and inclusion that many students don't necessarily obtain from either their family, friends, or earlier in their academic career. The

programs at my university that promote topics of DEI are well-attended, educational, and oftentimes where students feel like they are in community, which is sometimes a challenge as a commuter, commuter university. By banning offices in departments that do programming for DEI, we threatened to further cut students' learning on important topics and limit important opportunities for community on campus. I often think about days throughout the academic year where students gather on campus to see cultural performances, eat diverse food, and engage with other students, staff, and faculty on the importance of celebration with a focus on DEI. Other times, I think about the programs put on to make us think more critically, whether it's for class or just purely because there's an interest in the subject matter. I graduate in May with a bachelor's in public health and a minor in LGBTQ sexuality studies. The courses I've taken at UNO for my degree, my minor, or just gen-eds have taught me so much from different frameworks and showcasing the intersectionality that many subjects can have. There are students within my program who may not necessarily have the same ideologies as me, but in the classroom we're able to hash out our differences, learn about other perspectives, and discuss our thoughts and opinions even if students respectfully disagree. Many students first encounter significant social differences and background experience when they first go to college. Maybe they're meeting international students, LGBTQ+ students, students with disabilities, pregnant or parenting students, among so many others. We see people from all different walks of life when we go to college. We turn to these institutions and departments for assistance in understanding and managing these differences positively. We are in a position where the Legislature is attempting to control the future of higher education in our state for the worse when you all should be focused on changing it for the better. Suggesting that the Legislature should ban DEI public funding, offices, and programs is a solution to a problem that does not exist. Students are excited, and often we see morale go up when DEI is the center of academics and programs. I would invite the introducer and sponsors of the bill and this committee to come to my university and see the passion that students have on days where we celebrate, remember, learn, and grow from DEI initiatives and academics. All you will see are joyful students who feel like they belong. I urge the committee to think critically about the joy that would be lost if a bill like this advanced and passed in our state. Let's prove to our students that you want us to grow, excel, and find community during our college years, not limit it. Please vote no on this bill. Thank you.

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**ALBRECHT:** Thank you very much for your testimony. Any questions from the committee? Seeing none.

**ZOE MILLER:** Thank you.

**ALBRECHT:** Thanks for being here.

**CONRAD:** Thank you.

**JACOB CARMICHAEL:** Sorry. I was composed and then got to [INAUDIBLE].

**CONRAD:** It's OK.

**ALBRECHT:** Take your time.

**JACOB CARMICHAEL:** Well, good evening, 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 as a board member representing Nebraskans against Government Overreach. An important thing about this bill, just as I was thinking about it, talking about it, driving on the way down here, is I realized that if we're going to talk about DEI and addressing with what Senator Conrad said during opening, about how all of us recognize the historical and persistent tragedies and just absolute realities of racism, sexism, homophobia, anti-Semitism, the best people to study that history and come up with the remedies of how to address it are professors, students, people who spend time studying this, people who devote their careers to it. And preventing any funding from reaching that at a college level effectively can stop that and stops us from addressing these issues on a true societal level and studying them at any kind of deep level. It's not anything of getting rid of merit or anything like that. It's finally being at an institution where people fundamentally understand and have devoted their careers on how to redress these issues and get everyone in the future finally onto an equal playing foot. I will say more on a personal note: I wore this sweatshirt here as an alumni of what I feel like a good amount of people in this country now would probably call a DEI university. But I will say that the admission department paying attention to people's backgrounds, people's race, class, their queer identity, religion, things like that allowed for a incredibly diverse not only student body, but set of perspectives. And the discussions that I was able to have around philosophy, history, of the, the Western canon and literature and science, math, everything that you wouldn't even imagine-- being able to talk and discuss those things with people from so many different backgrounds and perspectives led to a understanding of these issues that was incredibly broad that

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I don't think I ever would have had the chance to do in high school. I didn't even think that could be that broad. And just quickly, I do have a bit of a weird thing just thinking back to high school. I know I've talked to Senator Conrad about this, but I had to basically sue my school district for us to be able to have essentially a GSA. And I wonder, with this bill preventing funding to that, how that would work under the kind of First Amendment and equal protections clauses and things like that that we had to bring forward for a years-long court case. Just a complete side concern. But, yeah. Happy to take any questions.

**ALBRECHT:** Thank you for your testimony. Do we have any questions from the committee?

**CONRAD:** Thank you, Jacob.

**ALBRECHT:** Thanks for being here. Hello.

**TAMI ROBINSON SOPER:** Good evening. Good evening, Chair Albrecht-- Vice Chair and members of the Education Committee. My name's Dr. Tami Robinson Soper. That's T-a-m-i R-o-b-i-n-s-o-n S-o-p-e-r. And I am here today representing myself. And I apologize because I've been sitting at home watching this hearing since I left the Appropriations hearing as the last bill of the day, thinking, God, they're going to be there forever. And then I didn't have-- hear my perspective represented, so I thought I'd come here and represent it. I grew up in Lincoln. I was adopted from birth. I am a mixed-race child. I still feel like I'm a child. But I was a mixed-race child, now I'm a mixed-race adult. Raised by two black parents in a very white, middle-class neighborhood. And for the most part, aside from a few brown people trying very desperately to blend in, we were a middle-class, white, suburban community. It was "Pleasantville." And when I got to the University of Nebraska, what that left me was incredibly confused about who I am as a person. My parents were somewhat involved in the black community here in Lincoln, but I think they thought they were doing me a favor-- especially my dad-- by restricting my, my involvement or putting really close parameters on my involvement with the black community because I think they thought that would impact my opportunities for success in the broader world that we live in, because that's just reality. But I didn't know who I was. I didn't know who parts of me were really at all. I had interaction with my family and what I saw in the media. And that was it. Everything else that I had interactions with what-- was white. But even the home that I grew up with wasn't. They-- we-- I was somewhere in the middle, and I was very confused. When I got to the University

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of Nebraska, I got to learn about me. I got to learn about parts of myself I didn't even know I needed to know about. I found parts of myself that I didn't know were missing. And I cannot be the only person in this world who lives in a community who has parts of themselves that they are unsure about, that they don't know about, that they don't know who to ask about how to explore that. And it wasn't just about learning about those pieces of me. It was about learning about how they can all fit together authentically in one person, in one place. And I didn't have to be ashamed of any of those parts, because I was when I got to the University of Nebraska. I learned I didn't have to be ashamed of any of me, that I could be proud of all of me inclusively-- all of those intersections, all in one place, all at one time. And I'd like to think that something good came out of that. I mean, I've made some contributions to this body that I'm pretty proud of and to this community. And I don't think I would have had the confidence to be that person if not for those experiences that I had at the University of Nebraska related to DEI. And so I, I implore you not to take away that opportunity for other students, for other young people who just-- who want to learn and don't have a safe environment to learn in about even themselves and the parts of who they are.

**ALBRECHT:** Thank you. Appreciate that. Any questions from the committee? Thanks for being here tonight. Do we have any other opponents? You're neutral? OK. Do we have any other opponents wishing to speak? Seeing none. Is there anyone in neutral? There we go. Come on up.

**DARREL E. LECHNER JR.:** Familiar faces. Remember me from before?

**CONRAD:** Yes. Yeah.

**DARREL E. LECHNER JR.:** Yes. My name is Darrel E. Lechner Jr. And--

**ALBRECHT:** Can you spell your name for us?

**DARREL E. LECHNER JR.:** Sure. Darrel, D-a-r-r-e-l; middle initial, E; Lechner, L-e-c-h-n-e-r; and I'm a junior. I was home in that-- and I try to follow the legislative bodies through committees and that, and this is one of the areas-- I'm part of a research group that's actually spread across the country that actually researches far-left activities across our country. It still amazes me how I fall into different areas. And then I get called to come down here at times, it seems. The situation with DEI, the, the group I'm with-- basically, we're, we're made up of lesbians. We have gay. We have a trans person

within our group. We have Buddhists. We have Christians. We have Jewish people. And I'm the lone Catholic. That is what it is. But our-- one of the things concerning our group in our tracking, we've been-- I've been part of this group for about three years now. We are tracking Marxist, communist, and socialist groups across the country. And this isn't your democratic socialists. These are your communist card-carrying socialists, socialists and Marxists. I've verified three communists within UNL, not including-- UNL sponsored an actual card-carrying communist at the Bemis Center not even three months ago, which was very concerning and alarming. In itself, if it was just more for educational purposes, I wouldn't have minded it because I do agree that we do need an understanding of all sides, as per our group. We've tried to keep things balanced because we're not happy with some of the things the right does either. But it's-- the situation I wanted to bring up is concerning the DEI in this bill. There really is a problem here. This, this DEI situation across our country is going to be affecting our university, and it has been for years. This isn't anything new. We came to-- it took me a year and a half really to understand the language of it. The majority of the opponents of this was speaking much of the-- many of the talking points many of the communists and the Marxist groups have been pushing for a while. This last Labor Day, I testified at the state educational board meeting. Just-- I drove 440 miles to Gering so I could testify because it needed to be spoken up as soon as I could, get that to them. Surprisingly, I had some other information, but that'll be at another time I'll divulge to the other legislative members. This needs to go. I was going to vote neutral on it. It's up to you, but I'm going to leave this information to you. And this is for our community too. This is scary. These groups are bent on destroying our country. And when they say-- what is it-- democracy for all, they don't mean democracy in the way you and I see it. They have-- we have one-- two di-- two word-- one word but two different dictionaries. But a lot of people re-- think about, it's not what-- they-- what we-- you would think about. Give you an example: equity. What they view equity and how they term it is different from the way a common person would perceive it. When they say white, it's not white. It is cap-- replace that word with "capitalism." They want to get rid of capitalism. But outside of that, thank you for the time. And thank you for giving me an opportunity to speak. And if there's any questions, I'd be more than happy to answer them.

**ALBRECHT:** Thank you very much for being here. Any questions? Seeing none. Thanks for coming out this evening.

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**DARREL E. LECHNER JR.:** If, if you'd like, I could give you the research group I'm a part of, if that's something you would like.

**ALBRECHT:** That's fine.

**DARREL E. LECHNER JR.:** One of the easiest ways to get our group is on Substack. It's under Dr. Karlyn, K-a-r-l-y-n; Borysenko, B-o-r-y-s-e-n-k-o. She's on Substack, YouTube, X, and also Rum-- yeah, Rumble. Sorry about that. But you can verify that. We have verified proof of this. We have videos. And thank you again.

**ALBRECHT:** Appreciate it. No problem. Any other parties in the neutral? Seeing none. Senator Murman's here to close. And we have some online positions and comments. Proponents: 107; opponents: 489; and 1 in neutral.

**MURMAN:** OK. Well, I want to thank everyone for their testimony. I thought we had great testimon-- testifiers here. Very impressed by the way they spoke and what they had written. Just very impressive. And I want to thank, of course, the committee for everyone. I think everyone that's been here pretty much the whole time, and really appreciate your attention. When we-- when I'm talking about diversity, equity, and inclusion, diversity and inclusion-- I'm all for whatever we can do to incentivize diversity and inclusion, inclusion. It's the equity part of it that I, I think has issues. If I was having heart surgery, I want the best qualified surgeon doing the surgery on me. I don't care, you know, what different characteristics they might have or anything about-- like that. I want the, the, the best academic person doing it. And I want the, the best trained, the best skilled at doing what they're doing, doing that surgery on me. So that, that I think is what this is all about. I, I just want to make a few things clear about the bill. It does not ban any classes such as criminology or others. It doesn't even ban discussing DEI-related topics within any classes. It is addressing subjects such as administrative policies and required trainings for faculty. And a few different people mentioned accreditation. And Iowa, Oklahoma, Texas, Florida, and Utah are still accredited, accredited. And they have all, all banned DEI there. And I know for sure Iowa and University of Utah are AAU members. I didn't check on the others, but I, I assume they are. There were some general-- generalizations made about me, and that is a-- is what I am trying to prevent with eliminating diversity, equity, and inclusion things on campus. First of all, when we're talking about controlling how the, the hearing went on-- the committee all knows this, but I just want to say this for some others. The reason I'm sitting off to the side is because I don't have any control over, you know, what

happens or how the, the, the hearing is led because it's the bill-- it's my-- it's the bill I brought forward. So I'm sitting off to the side. But I do-- you know, I don't want to-- I do want to say that Senator Albrecht went out of her way to let everyone speak as long as they, they wanted to. I don't-- I'm not sure if she cut anybody off, you know. And actually, the rules say at three minutes. They have to wrap it up pretty quickly. But I want to compliment her for going out of her way to, to let everybody talk because, like I said, everybody really did a good job of voicing their concerns. And then some mentions, mentions were made about disabled people. And I've got a disabled child that's more disabled than anybody that was here testifying today. So I completely understand disab-- I mean, I understand disabilities in a big way, let's just say that. And then first-generation students also were mentioned. Well, I was a first-generation student, so I think I have some understanding about being a first-generation student in college. And then immigrants were mentioned. My grandparents-- actually, my dad was conceived in Europe. He was born in the United States, but my grandparents came legally through Ellis Island. So I'm, I'm all for legal immigration too. And then, Section 4 of the bill was mentioned. And I'm just going to paraphrase it, but it does not preclude any sexual harassment training. I think sexual harassment was mentioned several times. It doesn't preclude-- pru-- preclude, preclude anything about that. And I just want to say-- you know, love was mentioned a few times. I love everybody here that testified. I don't have any hate-- at least, I'm-- I do everything I can to eliminate any hint of hate for anybody. I think I, I go way out of my, my way to love everyone. And, and that's the way it should be with everyone. Now, I just want to mention a, a few other things quickly. So it's all about equality of opportunity, not equality of outcomes. I think it-- DEI is really affirma-- affirmative action by another name. I do, do think we should, you know, make selections, whether it's students or professors, on merit, get the best qualified. Doesn't matter what any of the characteristics are. We're-- we want to be colorblind and blind to those other characteristics that distract from getting the best qualified people. And I just want to end with-- I totally agree with Dr. Reverend Martin Luther King that-- I look forward to the day that people will be judged by the content of their character, not the color of their skin. So thank you very much. And I'll take any questions--

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

**MURMAN:** --you might have.

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**ALBRECHT:** Any questions from the committee? Seeing none. We'll close LB1330 and move on to LB1055--

**WALZ:** LB1045.

**MURMAN:** We will now open the hearing. We're going to have a combined hearing on three bills, and they are LB1055, LB1252, and LB1254. The first opening will be by Senator Walz, and that is on LB1055. And then we will open on the other two bills. And when you come up to testify, you have to state do you support all three bills or just one out of this-- one or two out of the three. So thank you very much. Senator Walz, you're--

**WALZ:** Thank you, Chairman Murman. Good evening, Chairman Murman and colleagues. My name is Lynne Walz, L-y-n-n-e W-a-l-z. And I'm here to-- today to talk with you about LB1055, a bill to create a professional learning system to provide training in reading for our teachers and early childhood educators and to appropriate money to support an adult literacy program. As resear-- research has shown, early literacy plays a crucial role in shaping a child's future academic success and set the-- sets them up for lifelong learning. Early literacy development not only includes the ability to read and write but a wider set of skills such as language development, vocabulary building, comprehension skills, and more. By the time, a child reaches third grade, they have become independent readers with the-- readers with the ability to read for longer periods of time and comprehend more difficult materials. In 2019, national data showed a segment on declining performance in reading for elementary students, and unfortunately the pandemic only made it worse. School closures, uneven online learning, and teacher shortages have all significantly disrupted our children's learning. As we work to support these children, we need to look at the tools and resources available to support early childhood educators and teachers. These educators play a crucial role. LB1055 builds upon the Nebraska Reading Improvement Act and does the following: first, it requires the Nebraska Department of Education, in consultation with the Statewide Family Engagement Center, to develop a professional learning center-- learning system for early childhood educators and teachers. As part of this professional learning system, the bill appropriates \$10 million for regional coaches to provide training in reading. Next, it creates a literacy coordinator as part of NDE, NDE to oversee the professional learning system and support early and adult literacy programming in the state. Finally, it establishes a Literacy Steering Committee to conduct a needs assessment and develop an action plan to improve literacy in Nebraska. In addition to early literacy, the bill also

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appropriates \$2 million to support voluntary adult education literacy programs, which we know are severely under-- underfunded in the state. In fact, according to the data published by ProPublica in December 2022, Nebraska ranked last in state investments for adult education and literacy. Testifiers following me will be able to go into detail about our state's current investment and how this money will support existing programs. Colleagues, the goal is simple: developing an effective professional learning system and investing in our state's early literacy and adult literacy and education programs will yield di-- dividends. I'm excited to work with the committee to increase our investment in this area, and I would be happy to try to answer any questions that you might have.

**MURMAN:** Thank you. Any questions for Senator Walz at this time? If not, thank you for opening. And we'll invite Senator Linehan to come up and open, first of all, on LB1252.

**LINEHAN:** I, I can do them together.

**MURMAN:** OK.

**LINEHAN:** So I've actually introduced two bills. One is exactly what the Department of Ed gave me, and one I had a little help from Excellence and EDGE. So I-- we can discuss them. I'm anxious to hear the term-- testimony. And I'm very proud of the Department of Education and the ESUs and people who have been working on this because, as you all know, if we can't get kids reading by the end of the third grade, they're going to have trouble, and it affects the whole rest of their lives. So I will stay here until the end, but that's--

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

**LINEHAN:** Oh, and I do have a handout. I-- none of you are going to read it, so I think I'll hold on to it till [INAUDIBLE].

**MURMAN:** Any questions for Senator Walz [SIC]? Thank you. The first testifier for any one of the first three bills-- or, those three bills. First proponent testifier.

**EILEEN VAUTRAVERS:** Thank you for all of your patience, persistence. And as a pediatrician, I never gave up on resuscitating a child. And I'm here to help you save lives with reading legislation, so. Chair Murman and members of the Education Committee, my name is Eileen Vautravers. That's E-i-l-e-e-n V-a-u-t-r-a-v-e-r-s. I'm a retired Lincoln pediatrician. I am testifying in support of LB1055, LB1252,

and LB1254 both as a member of NAACP Lincoln Branch and on my own behalf. In 2018, as a representative of the Nebraska Dyslexia Association, we assisted in securing passage of LB1052, which I would encourage you to read. This bill required that all students with characteristics of dyslexia receive evidence-based, multisensory, structured literacy instruction. Beginning in 2019, this bill also required all Nebraska educator preparation programs to include pre-service teacher instruction in the best practices for teaching reading to all students, as well as instruction in structured literacy interventions for those with dyslexia. Now I'm back six years later to assist in securing funding to implement the requirements stipulated LB1052 in 2018. The three bills that we support today will fund training of current classroom teachers and evidence-based structured literacy, which is and has been the best practice for teaching reading for decades. This method of reading instruction is essential for about 60% of students to learn to read. The other 40% of students benefit from this approach as well. In Nebraska in 2022, 35% of all fourth-grade students were reading below basic level, and 31% at only a basic level on the NAEP exam, while 34% were proficient. It is not a coincidence that those not reading proficiently in Nebraska, or 66%, are close to the 60% of students for which this reading instruction is essential. That is likely because very few Nebraska schools provide structured literacy reading instruction. Since 1992, Nebraska reading scores in fourth grade have not improved, whereas Mississippi reading scores have significantly improved since 2013, when they began implementing structural literacy. The Nebraska reading scores are even poorer for students of color and students living in poverty. I've attached a copy of a recent article that gives information about reading scores and teacher preparation programs in Nebraska with the handout. NDE has provided excellent structured literacy resources for curricula and high-quality instructional materials for several years on their website but teachers need comprehensive training and implementation of these materials with fidelity, and they haven't received it. That professional training is essential and is what will be funded with passage of these bills. Only then will Nebraska students read better, which translates into higher graduation rates, improved employability, lower criminal justice, and fewer welfare recipients. We do encourage using the definition of the science of reading contained in LB1252 in your definition. But all three bills address the imperative that current teachers need be-- to be trained in the science of reading and structured literacy reading instruction. Thank you for listening.

**MURMAN:** Thank you. Any questions? If not, thank you.

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**WAYNE:** I don't have a question, but I had to move because the wall of the paper, I couldn't see the testifier.

**MURMAN:** Oh. Senator Meyer.

**MEYER:** Chairman Murman. Thank you. And I'm, I'm not sure who I'm going to ask this question to, but I might wait-- with a little later. This is deja vu from 25 years ago. What's going to change this time? We, we've had so many reading cycles. When I was on the State Board of Education, we had 17 teacher prep programs come before us over a couple of years-- about, about a year's time. And every one of them said they were the very best programs in Nebraska. And not one of them was using this type of teacher prep program. So when it talks about pre-service teachers, why can't we get the colleges up to speed so that when teachers graduate they can do this?

**EILEEN VAUTRAVERS:** That's a very good question. I have the same question.

**MEYER:** Maybe I'll ask Commissioner Maher when she come-- he-- when he comes up. Thank you.

**EILEEN VAUTRAVERS:** I have the same question that-- only one of our Nebraska teacher preparation programs received an A rating on the national assessment of teacher and education programs. The National Reading Panel in 2000 identified the five major components of reading instruction that are necessary for children to learn to read. And the science of reading has evolved since that time. But we have known for decades with programs such as Orton-Gillingham and the phonics approach that this explicit instruction, structured literacy, is what is necessary for many children to learn to read.

**MEYER:** Thank you.

**MURMAN:** Thank you. Any other questions? If not, thanks for the testimony.

**EILEEN VAUTRAVERS:** Thank you.

**MURMAN:** Other proponents for any one of the three bills or all? Good evening.

**BRIAN MAHER:** I have it in my prepared me-- remarks "good afternoon," but I'll strike that. Good evening, Chairman Murman and members of the Education Committee. I am Brian Maher, B-r-i-a-n M-a-h-e-r. And I'm honored to serve as the commissioner of education for the state of

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Nebraska and honored to be in front of you here today. The Nebraska Department of Education is a proponent of LB1055, LB1252, and LB1254. And you'll see in my handouts that we have letters of support for all three bills. We're thankful for Senators Linehan and Walz and applaud their passion around the issue of early literacy and supporting our educators to have the knowledge, skills, and mindsets necessary to ensure our learners are reading by third grade. There is nothing more fundamental to student success than being able to read. While we do look good in a few measures in-- regarding literacy, we're not nearly where we want to be. Some of those were highlighted by the previous speaker. In terms of literacy success, there is significant work yet to do. In 2022, the State Board of Education named as their top legislative priority to increase third-grade reading proficiency to 75% by 2030. As part of this priority, the Nebraska Department of Education included in its biennium budget a request for \$10 million to transform early literacy instruction and support. As written, LB1055, LB1252, and LB1254 would all deliver upon this request by providing a critical investment, allowing the Department of Education to facilitate statewide professional learning for thousands of public and nonpublic school educators, to hire regional coaches in partnership with educational service units, and to continue to support family literacy. Our teachers and school leaders in public and nonpublic schools work hard every day to meet the needs of our students. These bills would provide dedicated state funding for the continued training, professional learning, and the refinement of the skills our teachers need to teach reading most effectively. We look forward to working with Senators Linehan and Walz in a manner that helps Nebraska kids read well. I'll stand by for any questions.

**MURMAN:** Thank you. Any questions-- Commissioner Maher? Senator Albrecht.

**ALBRECHT:** Thank you, Senator. It's late. I'm usually in bed by this time. But-- don't-- I'm glad you're here, but now when we talk about this, is there a new reading program that the Department of Education just put out recently for all the schools to consider jumping on board?

**BRIAN MAHER:** Senator, I'm not, I'm not sure what--

**ALBRECHT:** So would what we're doing here be completely different-- complete-- you're just going to go in a completely different--

**BRIAN MAHER:** I, I, I think I understand your question. If I, if I mess it up, take me to task, but--

**ALBRECHT:** I won't take you to task.

**BRIAN MAHER:** I think what, I think what, I think what we have is, is new, but I think it would probably build on much of what we do because much of what we do right now is based on phonological awareness, phonics, fluency, vocabulary, and comprehension.

**ALBRECHT:** OK. So that's what we're currently doing, and you're going to add to it?

**BRIAN MAHER:** I think there-- I think there are elements of that in what we do right now. What we will do is develop a more systematic approach.

**ALBRECHT:** And what would the \$10 million go for?

**BRIAN MAHER:** Glad you asked. So the \$10-- the \$10 million--

**ALBRECHT:** How would that be spent? And the \$2 million-- well, I mean, what's the process, program, or--

**BRIAN MAHER:** Yeah.

**ALBRECHT:** --the money being used for.

**BRIAN MAHER:** I have some notes here--

**ALBRECHT:** Thank you.

**BRIAN MAHER:** --if I can find them.

**ALBRECHT:** Just good to get it on record, but. You've all discussed it. I'm not quite certain. You can't hear me--

**BRIAN MAHER:** Couple of, couple of things.

**ALBRECHT:** OK.

**BRIAN MAHER:** One, with this investment, the Department of Education could feasibly train every public and nonpublic school pre-K through five grade teacher in the state over a two-year span. The, the appropriation would enable the Department of Education to hire regional coaches in collaboration with our educational service units throughout the state, supporting and sustaining professional learning. Two other points: with the funding, NDE would also incent the purchase of high-quality instructional materials in literacy and support their adoption and, most importantly, their implementation. And then

finally, with the investments, the Department of Education could continue the work we've initiated with family literacy and outreach centers.

**ALBRECHT:** Because I just understand that right now that there is a new program that the ESUs are presenting to different schools. So is this going to be a completely different reading program than we've had in the past?

**BRIAN MAHER:** I'm not-- so I'm, I'm not trying to be evasive. I, I don't know that it's totally different than what you're talking about. I do know this would be systematic and, and, and would be a statewide--

**ALBRECHT:** Would all schools be required to jump on board this program?

**BRIAN MAHER:** That would be the goal. That would be the goal.

**ALBRECHT:** Thank you. Thank you.

**MURMAN:** Senator Meyer.

**MEYER:** Thank you, Senator Murman. And I think I'm getting my second wind, so. I, I, I guess it begs the question: the Department's certified all 17 teacher prep programs in Nebraska?

**BRIAN MAHER:** We, we certify that teachers in those programs--

**MEYER:** You certify the teachers. So that, that begs the question, why are those teachers coming out of those colleges so ill-prepared to teach reading? And it's been this way for a long time.

**BRIAN MAHER:** Yeah.

**MEYER:** And so now we're throwing another \$10 million at it in hopes that we have a systematic approach. I've, I've heard that word before, but that's the advantage of somebody old, I guess.

**BRIAN MAHER:** Being, being around.

**MEYER:** So-- I mean, what can we expect from the teachers colleges that are going to-- that's going to better prepare the pre-service teachers coming into the profession so we don't have to do this ten years from now again?

**BRIAN MAHER:** Yeah. Good, good questions. I-- were you finished with your questions?

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**MEYER:** I'll stop now.

**BRIAN MAHER:** The-- I think those are excellent questions. A couple of things I would say: number one-- excuse me-- I wouldn't impugn the motives of any of our teacher prep programs. I, I-- and I can't speak, I can't speak to exactly what they do within the teacher prep programs, but I can speak to what, what are we expecting from the department. We're expecting to raise our proficiency rates from where they are right now. We're expecting a systematic approach to doing that. We're expecting to follow the science of reading as it, as it is written in those five areas that I mentioned earlier. And, and we're ex-- expecting that our ESUs help us implement that statewide. So those would be the big things. If that's a deviation from what happened 17 years ago, that would be what I would say is different from them. But it-- but I don't know if it is different. The other thing I would say is I believe the science of reading has evolved. I believe-- the speaker before me talked about the success that they've had in Mississippi. And I would, I would say that there's some validation for what we're talking about right there.

**MEYER:** OK. Thank you.

**BRIAN MAHER:** You're welcome.

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

**WAYNE:** When did you guys start thinking of this new idea?

**BRIAN MAHER:** The Department of Education--

**WAYNE:** Because they said it came from the Department of Education. So when do you guys start kicking around this idea of a, a new systematic approach?

**BRIAN MAHER:** Yeah. So I know you know: this is just my seventh-and-a-half month on the job, but I think the Department of Education has been concerned about reading for all Nebraska students for a long time. So I, I wouldn't say it's just been 7.5 months. I think it's been for a good long time.

**WAYNE:** Let me ask the question differently. This is, like, a more-- this is, like, a very specific type of program for \$10 million.

**BRIAN MAHER:** Yes.

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**WAYNE:** So the question is, when, when did the, when did-- when was this presented to the state board and approved by the state board as a, as a request for the Legislature?

**BRIAN MAHER:** The state board actually started in 2022 with the priority and, and goal-setting measure. And in 2022 they, they talked about putting this as their top priority, this being improvement of reading scores by third grade--

**WAYNE:** Not this specific program.

**BRIAN MAHER:** --in this, in this specific program that has happened during this, this year. And I think it, I think it started prior to my arrival in July.

**WAYNE:** So it's already going?

**BRIAN MAHER:** No.

**WAYNE:** OK. So-- and the reason why I'm asking this is you guys got a whole lot of federal dollars. And if this is a priority, how come the federal dollars weren't used to, to fund this?

**BRIAN MAHER:** Yeah. We're-- we are, we are working to improve reading scores right now, Senator.

**WAYNE:** I'm not saying you're not working. I'm asking specifically how come \$10 million wasn't set afi-- set aside in your ESSER funds to fund this?

**BRIAN MAHER:** Yeah. I don't know that I can, I can speak to that directly, as I wasn't here. But here's my, here's my guess given the seat that I'm in right now. And that is that the ESSER funds were spoken for prior to us saying this is the direction we wanted head-- to head specifically.

**WAYNE:** Well, that's why I asked you your timeline because your last ESSER funds were just spoken for roughly about four months ago. So this started almost a year ago or seven months, I'm trying to figure out why this wasn't a board priority and why they're looking for the state to fund it when you guys got over \$100-and-something-- \$300 million-something across to, to-- with the ESSER funds.

**BRIAN MAHER:** Yeah.

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**WAYNE:** Especially when we're looking at our budget right now, which is very tight. I sit next to Appropriations Chair, so he reminds me that every, every day. But you guys had all this money to fund this. So if this was a priority, why didn't you already kickstart-- I mean, that's, that's the real question. Why didn't it already start?

**BRIAN MAHER:** And I would say I think it has started through other reading interventions. It-- and the, the-- we're not-- and, and you acknowledge it's already-- we're, we're not sitting around doing nothing in this space. Why we didn't specifically earmark money for this particular program longer ago than right now, I don't know that I have a great answer for you on that.

**WAYNE:** Because it goes, it goes to Senator Meyer's point. I feel like we're just kind of doing the same thing, kicking out some more money. And you guys got a lot of money from COVID dollars twice and this wasn't a priority. But now all of a sudden it is. And, and the state's supposed to pay for it when we had all this money specifically to, to hit our hardest, neediest areas in the state through COVID dollars. I'm, I'm just concerned about that, but OK.

**MURMAN:** Any other questions? If not, thank you--

**CONRAD:** Thank you.

**BRIAN MAHER:** You bet.

**MURMAN:** --Commissioner Maher. Other proponents.

**JOHN SKRETTA:** Good evening, Chairman-- Senator Murman, Senators, members of the Education Committee. I'm Dr. John Skretta. That's J-o-h-n S-k-r-e-t-t-a. I'm the administrator at Educational Service Unit 6. I'm here today speaking to our unified support for the reading bills from the following organizations: NASB, NCSA, NRCSA, STANCE, and ESUCC. So speaking on behalf of those members of the Education Coalition. I want to thank Senators Walz and Linehan for their leadership in bringing these bills forward. We're offering proponent testimony for all three bills because we see so much alignment and similarity between them. And foundationally, each proposed bill is very supportive of the necessary step of providing significant state funding commitment to ensure professional development for teachers in evidence-based methodology for the science of reading. I want to emphasize that we have made inroads in this work already in the state of Nebraska. We've seen very promising uptick in participation in LETRS training through the Nebraska MTSS Office, Multi-Tiered Systems

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of Support, and the Office of Special Education at NDE delivered by experts in our ESUs. The bills would help us in scaling up deployment and training, and thereby the impact. Over the past four years, Nebraska ESUs have delivered three cohorts of LTERS training and two cohorts of LETRS for early childhood, impacting over 300 educators. There's still obviously a lot more work to be done. We currently have certified LETRS facilitators through our ESUs. Those facilitators are working out of ESUs 1, 2, 5, 6, 8, and 10. There's a cost savings derived by having trained facilitators in-state train trainers. Because if we bring in a national facilitator for these trainings, it's going to cost over \$4,000 per day beginning June 2024. Again, there's solid evidence base to draw from other states, as referenced in prior testimony. Mississippi has been at this since 2014 and has seen some really promising results with curriculum coaching, reading interventions, and science of reading being foundational to all this. Rest assured, Nebraska's ESUs are here to serve if there's anything we can do to further support the Department of Education or the Unicameral in this process of promoting reading achievement for all students, and we welcome the opportunity to do so. I may be able to extend upon a couple prior questions to provide additional clarification if requested. Thank you.

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

**ALBRECHT:** Thank you, Senator Murman. So you're with the ESUs, then I probably should be asking you these questions instead of our brand new director. So I'm up in northeast Nebraska.

**JOHN SKRETTA:** Yes.

**ALBRECHT:** So I am with Service Unit 1, correct?

**JOHN SKRETTA:** Service Unit 1, yep.

**ALBRECHT:** OK. So when Director Bloomfield left--

**JOHN SKRETTA:** Yeah. Commissioner Blomstedt.

**ALBRECHT:** --who worked under him and he had left, like, right after?

**JOHN SKRETTA:** Cory Epler. Dr. Cory Epler.

**ALBRECHT:** OK. Did Dr. Cory Epler go to work for a company who has--

**JOHN SKRETTA:** Yeah. So--

**ALBRECHT:** --a new reading program?

**JOHN SKRETTA:** --what your prior question--

**ALBRECHT:** That's my question.

**JOHN SKRETTA:** --was getting to that I would like to elucidate a little bit if I could--

**ALBRECHT:** Please do.

**JOHN SKRETTA:** --is the distinction between instructional materials and professional learning. And the state has done a tremendous job, the Department of Education, of ensuring that ESSER dollars when-- expended by our school districts went to acquire-- if they were purchasing instructional materials and wanted authorization to utilize ESSER dollars to do so, that those materials needed to be determined to be HQIM, which is high-quality instructional materials, which essentially means standards aligned, on-grade-level rigor. And there are other criteria such as ed reports identifying them as green and meeting those standards.

**ALBRECHT:** OK. So you're saying-- let me just get this straight. You're saying that we do have a new reading program. Is it mandatory that all--

**JOHN SKRETTA:** No.

**ALBRECHT:** --schools go on that or just the ones who want to improve their reading skills?

**JOHN SKRETTA:** There are new reading programs available from the text publishers. So some of those materials have been rated not just by our state but nationally as being of high-quality instructional materials. And the Department of Education emphasized that school districts who wish to spend their ESSER dollars on acquiring new materials that those be classified as high-quality instructional materials. So that's one component. The other component which these bills work to address would be the necessary professional learning and training components to support teachers in ensuring fidelity of the implementation of those texts.

**ALBRECHT:** OK. So is it too late for the schools to have spent their ESSER dollars?

**JOHN SKRETTA:** Most of those ESSER dollars have been expended.

**ALBRECHT:** OK. So they already have. So--

**JOHN SKRETTA:** And, and the rate of adoption of those high-quality rated instructional materials has gone up very dramatically in Nebraska as a result of the Department of Ed helping to ensure that school districts were giving ample consideration to those materials.

**ALBRECHT:** So if they, if they didn't sign up at the time that you were going around with this new program, will the \$10 million be covering that for all the schools throughout the state?

**JOHN SKRETTA:** The \$10 million would go towards training.

**ALBRECHT:** Just training. So, so school-- so the schools in our state, the 244 schools, would have to purchase with their own money, their own funds--

**JOHN SKRETTA:** And--

**ALBRECHT:** --this new program.

**JOHN SKRETTA:** Yes. And many already have acquired new instructional materials.

**ALBRECHT:** So it was out with the old, in with the new to-- I guess I-- I don't know. I was hearing in my district that they were pretty happy with what they had and they were making strides--

**JOHN SKRETTA:** OK.

**ALBRECHT:** --getting better grades for the kids since Senator Linehan had the, the bill that they had to read before they left third grade.

**JOHN SKRETTA:** Yes.

**ALBRECHT:** And some of them were really struggling with the fact that they had to spend more of their own money to go to a completely different program.

**JOHN SKRETTA:** Right. They did not have to spend more of their, though. They elected to do so.

**ALBRECHT:** They're not man-- they could, they could keep the old program if they were doing well and making progress.

**JOHN SKRETTA:** Yes. What many districts elected to do, however, was because they had not acquired new texts in many years, the influx of

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ESSER dollars incentivized districts to say, it's time to review our instructional materials.

**ALBRECHT:** Can you provide for our committee how many people actually have switched over to the new program?

**JOHN SKRETTA:** Yes. And it's not one new program. I want to, I want to emphasize that. There's multiple publishers. I also want to clarify that the ESUs don't mandate any of that. We simply--

**ALBRECHT:** Does the Department of Education?

**JOHN SKRETTA:** We work with the department to try to support the-- and facilitate the process of districts making those decisions.

**ALBRECHT:** But I'd like to know how many are switching over.

**JOHN SKRETTA:** Thank you. Yep. We can get that information for you.

**ALBRECHT:** Thank you.

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

**JOHN SKRETTA:** Thank you.

**MURMAN:** Other proponents.

**RYAN HINZ:** Good evening. I want to say thank you for this opportunity, Senator Murman, Chairman Murman, members of the committee, for this opportunity for me to be able to speak about something that's very important to me and I think to our state and our communities.

**MURMAN:** Excuse me. Could you say your name and spell it, please?

**RYAN HINZ:** Yeah. My name is Ryan Hinz. That's R-y-a-n H-i-n-z. And I am the director of adult and family education for Crete Public Schools in Crete, Nebraska. And I'm here representing myself but also Crete Public Schools and STANCE. We want to say thank you to Senator Walz for introducing LB1055 because it is a bill that recognizes the transformative impact of adult and family education on our state's educational landscape. So I'm really just focusing on LB1055 and more specifically Section 2, which provides some funding for adult and family education throughout the state. Strengthening adult literacy, you know, directly impacts the educational success of our children. When parents are equipped with essential skills, they become powerful advocates for their families and active contributors to our

communities. LB1055 acknowledges that literacy programming cannot be confined, you know, strictly to the classroom. It extends beyond the walls of our schools and directly influences the educational success of our children. Research has consistently shown that a-- there's a direct correlation between parents' educational levels and children's academic achievement. When parents are well-educated, their children are more likely to thrive academically. Adult education and family literacy programming plays a pivotal role in empowering parents. When we equip the-- them with these essential skills, we enable them to actively engage in their children's education and, in fact, to become the primary and most important teachers of their children. Parents who are English language learners or lack a high school diploma often face many barriers, and programs like ours at Crete Public Schools provide them with the tools needed to overcome these obstacles and become full participants in society and their communities. When parents enhance their literacy skills, they not only improve their own lives but also become leaders in their communities. Literate parents advocates for their children. They participate in school activities and collaborate with educators. Their involvement fosters a positive learning environment and reinforces the importance of education. Unfortunately, according to data from the National Reporting Service for adult education, we in Nebraska ranked at the bottom of states that provide funding to adult education and family literacy services and programming. And due to that lack of funding, we were unable to meet the need that we see throughout the state. The funding appropriated in LB1055 would, you know, make a major impact on our ability to address and hopefully expand and enhance adult ed services across the state. LB1055's Section 2 recognizes that education's a lifelong journey and it emphasizes the need to support learners of all ages, from preschool through adulthood. By investing in adult and family education, we create a holistic educational ecosystem when-- where parents and children learn side by side and-- reinforcing each other's growth. Additionally, adult education is a workforce issue, helping adults obtain language and basic skills instruction they need to communicate effectively, obtain a high school equivalency diploma if needed, and prepare for the workforce. Provides needed assistance towards addressing Nebraska workforce shortages. As you consider the provisions of LB1055, especially Section 2, please remember that strong families build strong communities. And when parents are equipped with literacy skills, they contribute to the educational foundation of our state. So we urge you to support this bill wholeheartedly and let us invest in the future of Nebraska by investing in the education of our adults and families. So with that, I

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have a couple of handouts there that-- if you'd like to know more about it. Be happy to answer any questions.

**MURMAN:** Being from Crete, I assume you have a lot of ESL.

**RYAN HINZ:** We do.

**MURMAN:** How does this program fit in with ESL-- first of all, what percentage do you have approximately and how does this fit in?

**RYAN HINZ:** Yeah. So obviously, it's a little bit different between, like, our adult ed program and the program at the school. We're about 65% ELL inside of the school district itself. And our, and our program, that adult education program, it's about 95% ELL students. Some of them are still learning English and some of them have-- had moved on or learning higher levels of English reading, writing, math. And then some of them are preparing for GED. So. It's a high level.

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

**RYAN HINZ:** Thank you.

**ELIZABETH EVERETT:** Good even-- evening, Chairman Murman and members of the Education Committee. Thank you for allowing me the opportunity to testify today. My name is Elizabeth Everett and-- spelled E-l-i-z-a-b-e-t-h E-v-e-r-e-t-t. And I'm the deputy director of First Five Nebraska. First Five Nebraska is a statewide public policy organization focused on supporting policies that provide quality early learning environments for our youngest children. I'm here today to testify in support of LB1055, LB1252, and LB1254 and would like to thank Senator Walz and Senator Linehan for their leadership on this issue and for introducing these important bills. So you have my testimony in front of you. Instead of going through it, what I think I could do instead is probably expand on some of the questions that was asked. So a couple of the questions that was asked was a conversation around why and how the money was used, the pandemic dollars was used. And so in addition to what was done at the local level, which we found-- which we-- was already discussed at-- from the ESU-- we also-- the State Department of Education was also able to use \$2 million, one-time pand-- pandemic relief to launch what's called the Nebraska Growing Readers Program, which provides books to child care providers to give out to families. The goal is to hopefully provide these families 100 books and-- so that they can continue reading at their home and engage their children. The other portion of money that was also spent, the ESSER dollars, was around \$700,000 for the Statewide

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Family Engagement Center, which is a U.S. Department of Education-funded program that's operated through the National Center for Families Learning in partnership with the Nebraska Department of Education. And this specific program is focused on family literacy, so that two-generational approach where you focus not only on providing early literacy opportunities but also adult literacy as well. In addition, I think one of the things that I wanted to mention was that, why is this bill so important right now? I think what we have found is that literacy across the state is done piecemealed. And so one of the things that's been included in LB1055 is a literacy committee to put together a kind of an action plan and to figure out where the funds are currently being spent. So for instance, like the LB814, which was passed last year, included \$4.8 million for FY '23 and '24 and '24 and '25 for the Department of Economic Development to work with mentors to include inpro-- improving read-- reading for young children. There was also money, again, being spent by the Department of Education for early literacy. So what we're really trying to do, right, is to get a comprehensive understanding of where the money is currently being spent and how we can better use it. At the same time, I also do think that providing the additional resources to these educators is really important. And LB1055-- and I believe one of the versions, LB1252 or LB1254, also allows these local school districts to use this funding to purchase high-quality instructional materials. So with that, I'll be happy to answer any questions. And I'm sorry that I spoke fast.

**MURMAN:** Thank you. Any questions for Ms. Everett? Yes, Senator Albrecht.

**ALBRECHT:** Thank you, Senator Murman. We put \$4.8 million in a mentoring program? How does that work?

**ELIZABETH EVERETT:** Yes. Yes. So last year in the budget, LB814, \$4.8 million was approved for FY '23 and '24 and '24 and '25 to improve mentoring programs specifically targeted to improve reading and literacy efforts for children.

**ALBRECHT:** So these mentors, who are they? They go into the schools and work with the [RECORDER MALFUNCTION]

**ELIZABETH EVERETT:** So it's nonprofit organizations. So they actually just released their first grant cycle, 11 organizations were awarded funds. And the amounts varied depending on how many mentors worked at the specific organization. The next grant cycle will happen in August

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14 of 2024. So the programs include things like-- I'll have to get you a list, but--

**ALBRECHT:** So you'll be able to let us know how that's worked out with the mentors and if the grades are improving or-- is there any, any accountability to the \$4.8 million?

**ELIZABETH EVERETT:** I could provide you that information.

**ALBRECHT:** Thank you.

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

**ELIZABETH EVERETT:** Thank you.

**ALBRECHT:** Thank you.

**MURMAN:** Other proponents for any of the bills?

**Speaker 2:** So you.

**Speaker 6:** Do you want the others? Is it okay?

**Speaker 2:** You see these?

**Speaker 1:** They're all for these three girls, but some of our opponents.

**Speaker 3:** Okay.

**HEATHER SCHMIDT:** Good evening.

**ALBRECHT:** Hello.

**HEATHER SCHMIDT:** My name is Heather Schmidt, H-e-a-t-h-e-r S-c-h-m-i-d-t. You might remember my daughter Norah from last year. She came here and shared the deeply personal pain she has suffered as a student with dyslexia, when no one knows what it is. Norah is a junior this year. When she was in fifth grade, I came down here eight months pregnant with her sibling-- with her sister, with something she had written, hoping that sharing it would help pass the dyslexia legislation that Senators Pansing Brooks and Linehan had worked on. On that, you'll notice she interpreted the word "bibliography" as "biography." That is a really common dyslexic error. Her struggles are also common. And it's actually a small world, because the friend she mentioned that I took her to when we couldn't figure out what was going on, was actually Dr. Vautravers, who had happened to be my

pediatrician as a child. I was excited to come here in support of LB1252, but after the opposing testimony last night against the Dyslexia Research Grant, I have doubts. The microaggressions students with dyslexia face in school was on full display yesterday afternoon, and I don't think that more funding will do anything to change these systemic failures. I do believe you should insist on evidence-based reading curriculum that follows the science of reading. I do believe curriculum shouldn't include three-cueing, three-cueing is part of balanced literacy, otherwise known as the prison pipeline pedagogy. I do not believe that you should provide any more funding to achieve these goals after receiving historic funding and taking the property tax windfalls. Why does it require even more money to make sure kids learn to read? Literacy was the whole point of public education in the first place. According to the Omaha World-Herald, roughly 60% of Nebraska fourth graders are not proficient readers. Where is all that money going? I think you owe it to taxpayers and students, to make sure that funds currently allocated are being used for evidence-based curriculum, because whatever it's being used for now is clearly not working. And I do not believe another level of bureaucracy like the literacy-steering committee is necessary. It also isn't inclusive of all stakeholders who would be interested in seeing reading progress in Nebraska like it used to be.

**MURMAN:** Thank you.

**HEATHER SCHMIDT:** Questions?

**MURMAN:** I guess I'd like to ask, were you-- which bills were you proponent for?

**HEATHER SCHMIDT:** I am a proponent for LB1252. I am an opponent of the other two because they do not define the science of reading or evidence-based curriculum. It specifies high-quality learning materials. And so I don't know why training, like, training and high-quality instruction. I mean, I would assume we have been purchasing things with the intent that it was already high-quality instruction, instruction materials. So it just seems like we're spending more money on the same stuff that has led to a two-thirds percent failure of proficiency to read at fourth grade. And if you have been-- by the time the kids are in fourth grade, they're just going to have to figure it out. They're going to have to figure out their accommodations. Many of them can be very successful with the right supports. They're generally more brilliant than they're given credit for. But I don't know. That's why I'm opposed to the other two bills, because I think the language is too vague.

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

**CONRAD:** I just [INAUDIBLE].

**MURMAN:** Senator Conrad.

**CONRAD:** Thank you so much, Chair. Thank you. Good to see you, Ms. Schmidt. If you had suggestions for how to make the advisory council more inclusive or more representative, you know, and I know you email frequently. Sometimes we communicate that way, either if you don't know off the top of your head or we can follow up afterwards.

**HEATHER SCHMIDT:** Well, sure. You have a lot of strong advocates in the state for dyslexia. Dr. Vautravers is really good and brilliant and has been working on this for decades. No, Clarice Jackson is a strong advocate. There are students who have found success in college who know what it's like to have dyslexia. So maybe someone with lived experiences instead of, I mean, the, the recommendation for the committee, it's just more of the same people buying high-quality instruction materials. I don't really know how that changes--

**CONRAD:** Yeah.

**HEATHER SCHMIDT:** --where we need to see the change.

**CONRAD:** No, point well-taken.

**HEATHER SCHMIDT:** OK.

**CONRAD:** I think that's good feedback on it. And, and to your question, we were having some of these same informal conversations in preparation for the hearing saying, OK, if everybody agrees that this is a better way to teach reading, great. And let's put our resources there. But we're trying to figure out what's happening with the existing dollars--

**HEATHER SCHMIDT:** Right.

**CONRAD:** --and how this new dollar-- these new dollars fit into it so.

**HEATHER SCHMIDT:** They have all the money already.

**CONRAD:** Yeah, I appreciate that. We're having the same conversation--

**HEATHER SCHMIDT:** If 60% of our kids aren't reading, what is happening? I don't want to just-- I feel like if you-- Senator Linehan's leaving,

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OK? She's been a strong advocate for dyslexia. If this needs to be get-- we need to do this right this time.

**CONRAD:** Yeah.

**HEATHER SCHMIDT:** This is gone on for too long. That sibling that I was pregnant with, she's going-- she's six, she's going to be six. She's going to kindergarten next year. We held her back a year because she has dyslexia.

**CONRAD:** Yeah.

**HEATHER SCHMIDT:** So here we are this many years later still dealing with it. And my kids are lucky, you know, they have two parents at home. We can help them. We know what's going on. We are literate. You know, they have a lot of advantages that so many kids don't have who are in the same situation.

**CONRAD:** Yeah. Very good. Thank you so much.

**HEATHER SCHMIDT:** OK.

**CONRAD:** Thank you.

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

**TOM VENZOR:** Good afternoon, Chairman Murman and members of the Education Committee. My name is Tom Venzor, T-o-m V-e-n-z-o-r, I'm the executive director of the Nebraska Catholic Conference. As all three bills contain the same general concept with differences in certain mechanical aspects, NCC would like this statement of support to apply to all three science of reading bills. We'd like to acknowledge the important work of Senator Walz, Senator Linehan and so many others on the serious concerns facing both child and adult literacy rates in our state. Addressing these concerns are no small task and require the hard work of many dedicated people. We support these three science of reading bills and the general ideas they are developing, and would like to offer feedback on ways we think the bills can be improved. First point of feedback would be the stakeholders in the development of the professional learning system. While we appreciate that the statewide family engagement centers will assist the NDE in the development of the professional learning system as required in LB1055, we would encourage further consideration about broadening the stakeholders who are involved in this process. It would seem both important and fitting that public and nonpublic school educators who

are experts in the science of reading be required to be part of this process. This can help ensure, among other things, that the NDE and other stakeholders have a strong awareness of what is already taking place in schools in the area of reading instruction. And while a statewide program can be helpful, it should also be respectful of, and accommodate for and learn from, successful programs already taking place at the school or school system level. Similarly, LB1055 calls for a liter-- literacy-steering committee with several members. Nothing in this provision specifically provides for participation of nonpublic school representation, which we believe is important if this program is going to be made available to nonpublic schools. Additionally, while presumably the members of this committee will be experts on the science of reading, there's no criteria who-- for who the representatives of the committee shall be. And further, one of the jobs of this committee is to produce a statewide needs assessment and develop a strategic action plan. It would seem this preliminary work should precede in time the development of the professional learning system developed by the NDE and the family engagement centers. Second point of feedback, concern for added regulation and bureaucracy. All three bills require that approved and accredited elementary schools ensure that their teachers are adequately trained to effectively instruct students in reading. To the extent that the NDE has rules and regulations authority for this provision, we would like to avoid another layer of regulatory mandates on approved and accredited nonpublic schools that are not merited. Already these schools are accountable to Rules 10 accreditation and Rules 14 approval, and their teachers are accountable to standards such as Rule 21, teacher certification; Rule 22, Master Teacher Program; and Rule 24, endorsements. All of these rules and regulations already establish baseline standards for teacher competency. And the need to address reading literacy shortcomings must be balanced by-- with not imposing additional regulatory and unfunded mandates on nonpublic schools. And then the third point of feedback, if I can get through it, is instructional services getting to nonpublic schools. So each bill provides for regional coaches or ESUs to provide instruction in reading to teachers at approved and accredited schools. When it comes to other areas of educational services, nonpublic schools have mixed reviews about their provision. While some ESUs and nonpublic schools have great working relationships, others do not. This sometimes results in certain services, such as professional development not being extended to nonpublic school educators. Additionally, nonpublic schools sometimes have the experience of not receiving adequate or sufficient services because of a lack of human resources. And I see my time is up, so I will end there.

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**MURMAN:** Thank you. Is there anything you want to just make a last point on?

**TOM VENZOR:** Yeah. Just, my last point there was just sometimes services don't get to our schools just because there's a lack of human resources. So I understand the commissioner was saying that, you know, this would be sufficient amount of funds to ensure that services get to both public and nonpublic schools. You know, I would, you know, great working relationship with the commissioner. I would just want to make sure that that is the case, because we see, like in the area of special education services, when you have a teacher shortage, particularly in special education, when we see a reduction of teacher workforce, we end up seeing a reduction in like equitable services to our students who are in nonpublic schools. Who have a right to those services, but just don't get them because we're all, you know, finding it difficult to have the workforce that we need to get those services provided for. So that was my last point. So we would just want to make sure that that coaching gets to our schools. And it's not a one-time experience, it's a coaching relationship that's ongoing. So there's a back and forth over time so that everybody is strengthened by that. And so other than that, I mean, just my last point was, you know, there's a lot of people working hard on this and really appreciate that. So thank you for your time.

**MURMAN:** Thank you. Any questions for Mr. Venzor? If not, thank you for the testimony.

**TOM VENZOR:** All right. Thank you for your time.

**MURMAN:** Any other proponents for any of the three bills?

**KORBY GILBERTSON:** Good evening, Chairman Murman, members of the committee. For the record, my name is Korby Gilbertson, it's spelled K-o-r-b-y G-i-l-b-e-r-t-s-o-n, appearing today in two different capacities. The first is on behalf of the Nebraska Optometric Association and supportive of LB1055. I'm standing in for Dr. Faith Snyder, who-- from York who had to leave and head home. So I'm pinch-hitting for her. But the NOA represents approximately 350 doctors of optometry in Nebraska. They currently partner with the Nebraska Foundation for Children's Vision and provide educational resources and advocacy across the state for reading. They also work with school administrators, nurses, the State Literacy Association and the Department of Education by providing educational resources about how vision impacts a student's ability to learn. I contacted Senator Walz after this bill was introduced and made the suggestion that

perhaps we could broaden the steering committee to perhaps include an optometrist since they regularly work with the children that are going through this. They know that one out of five children have some type of vision impairment that affects their ability to read. And so we think, like previous testifiers have said, we should maybe broaden this and include some other professionals in it. Second part of my testimony is in support of all three bills on behalf of myself and my son, who was here back in 2016 and testified, which was a huge deal for him. And he has severe dyslexia. He told his story about being called names and having a horrible time in a private elementary school. And we thank God every day for the public schools stepping in and providing him services both through LPS and then Waverly, and helping him with an IEP so that he could be the best student that he is. And he's, you know, now, I'm a very proud parent of a kid with a biology major who aces chemistry exams. And that wouldn't have been possible without people stepping up and helping him. And so I think, to answer Senator Meyer's question, we have made stri-- we have made incredible strides. And a lot of that is due to the work that Senator Linehan has done. And the problem isn't that teachers don't know how to teach the material, it's that they don't know necessarily how to identify that children have issues, and every kid learns differently. And so to assume that every child should be able to learn because of a certain textbook is where the problem lies. So--

**MURMAN:** Thank you. Any other--

**KORBY GILBERTSON:** --with that, I'd be happy to answer any questions.

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

**KORBY GILBERTSON:** Thank you.

**CONRAD:** Thank you.

**MURMAN:** Any other proponents for any of the bills? Any opponents for any of the three bills?

**GWEN EASTER:** Hello.

**MURMAN:** Hello.

**GWEN EASTER:** My mind is just all over so.

**CONRAD:** Join the club, yeah.

**GWEN EASTER:** Yeah, I know. Oh, sorry. My name is Gwen Easter, spelled G-w-e-n E-a-s-t-e-r. I am the owner of Safe Haven Early child Preschool Education Academy, and the founder of Safe Haven Community Center. I'm also a member of the Nebraska Early Childhood Interagency Coordinating Council to represent childcare providers, and I am not here on behalf of this council. I want to say that I applaud the Department of Education for recognizing the crisis of students learning to read in Nebraska-- in the Nebraska school system. They should continue to assess, mentor, and create strategies designed to accomplish this goal with school-age students from kindergarten through fifth grade and focus on helping struggling readers and dyslexic, and dyslexic school children who are not being helped in their, in their school system. My, my daycare offered a preschool program and a tutoring program before the monopoly and the pushout of our daycare businesses. I started my tutoring program because of what happened to me in school and, and, and some of the problems I had. Although I wasn't diagnosed with dyslexia, OK? My mother had to advocate for me, and I had to advocate for myself in the Omaha public school system. And when I was a tutor for the Omaha public school system, you know, they understand what systematic, multisensory teaching is. I've always used multisensory teaching in my programs. For kids, I had to get my own training. I think Senator Walz at one time asked me to-- get for her a listing of all the different types of trainings I've taken. You know, the school system continues to want to fail our kids. And like you say, yeah, ya'll been throwing money after money, after money to these org-- to this system, and they're still failing our kids. You know, and they're right. There, there may be different types of curriculums that needs to be used on certain kids, you know, but being able to assist some of these teachers-- I mean, the trainings that I've taken in some of these classes, there are teachers there who, who don't know half of, half of what we know, we know, you know? And, and we're downplayed. The, the school system abuses the finances. And now they want to take over early childhood, you know, the early childhood education, you know, and want us to, to follow them when they're not really the expert in, in the early childhood field because they have always been K-12, you know? And I, I just think that teachers, the colleges need to train-- need to train teachers correctly when they're coming out of college. You know, they need to have understanding of phonics, phonemic awareness, what makes up reading, what fluency, comprehension, you know, all the things that go with teaching children how to read, so that they can help their children the proper way, like we help our kids. But we get downplayed, we get pushed out of business so that, so that these schools can succeed. Well, I had a GED program and an English as a second language

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program and a literacy program to help adults. I partnered also with Metro when I, when I, when I lost my-- a couple my teachers, almost for 14 years or almost 15 before they started monopolizing and sabotaging my business and then duplicating my programs and services.

**MURMAN:** I'm sorry, you have the red light.

**GWEN EASTER:** I'm sorry. I didn't even realize it. What I'm saying is this, I, I don't want you all to give them not-- no more money. I don't want the Nebraska Department of Education to be able to have say over our daycares. Because we're private. They're monopolizing our community, they're pushed out all of our daycares for these early learning centers. They're going to repeat the same cycle that they're doing right now with our school-age children. They need to focus on helping our kids the right way, get these-- get training, you know, and stop downplaying all of our doggone daycares and is trying to help our children and our adults. And that's, that's what all I have to say about that.

**MURMAN:** Thank you.

**GWEN EASTER:** Because I got educated on how to teach and-- teach my kids, but I can't even get-- keep kids in my doggone daycare because of these people and these school systems banning together with all these wealthy companies talking about their curriculums and all this stuff, because it's all about money.

**MURMAN:** Thank you. I have a question. Are you opposed to all three bills?

**GWEN EASTER:** Yes, I am.

**MURMAN:** Thank you.

**GWEN EASTER:** I respect these ladies, though, for what they fight for. I stand with them on the dyslexia.

**MURMAN:** Appreciate your testimony. Any other opponents for any of the three bills? Any neutral testifiers for any of the three?

**CONRAD:** Thank you, Gwen.

**GWEN EASTER:** Thank you.

**MURMAN:** Senator Linehan, you're welcome to close.

**LINEHAN:** I think we can say it's late. [INAUDIBLE] tired, a little stressed. Here's the situation, and I understand, Senator Albrecht, please don't get mad at me, but schools can't be telling us they're doing fine. We're not doing fine. We've got 60% of kids in some schools, a lot more, that aren't reading. We're not doing fine. So we have to-- and I don't actually think looking at this, it's not like a new program. We're going back to like basic structured you're going to learn phonics. You're going to not looking at a book, see what the picture is and guessing the word. That-- we've had whole language, we've had-- what do we call it, blended? We need to go back to the science of reading that worked for decades. And, and I do-- I, I agree, Senator Wayne, it's a little irritating that we've got to come up with \$10 million, considering all the money that's been flowing around. I get that, but I'm willing to do that. And I'm willing to fight for this because I actually worked with Dr. Skretta quite a bit. Not always have we gotten along perfectly well, but I do think he believes in kids. The first time I met him, he was at Norris as a superintendent. They have a good system. He has worked on this. He has made an effort. And I don't know if Mr. Venzor will agree with this, but my understanding is he's made an effort to have his ESU work with private schools as well, because he understood that was part of his job. I don't know the commissioner that well, but we have an issue. And yes, if, if it cost \$10 million to get teachers back to teaching phonics and teaching systematic ways for kids to learn so all of them can learn, except, you know, the ones that can look at a book and figure out how to read. All kids can't learn how to read that way. Some of them need phonics so.

**MURMAN:** Thank you. Are you closing on all three bills?

**LINEHAN:** I think so. Yes.

**MURMAN:** OK.

**CONRAD:** She is now.

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

**WAYNE:** In my eight years that has your-- that was your best closing. Let's go.

**LINEHAN:** Thank you.

**MURMAN:** So we will-- emails on LB1055 with 16 proponents, 3 opponents, 0 neutral. On LB1254, we had 3 proponents, 2 opponents, 0 neutral. And on LB1252, we had 5 proponents, 1 opponent, 0 neutral. And that will

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close the hearing on LB1055, LB1252 and LB1254. And we will open the hearing on LB1338.

**WALZ:** Thank you, Chairman Murman and members of the Education Committee. My name is Lynne Walz, L-y-n-n-e W-a-l-z, and I represent Legislative District 15. Today, I'm happy to introduce what could be seen as a companion piece to the scholarship recently announced by the Governor and the university. Oftentimes, kids can feel like going to college is unattainable for them. I think a lot about the kids that feel this way. And it can be because of one factor or another, like family income, or because nobody else in their family has attended college. Or it could be because they're in the foster care system. Regardless of what that reason is, I think every child deserves to feel like they have the opportunity to one day get a college education. LB1338 or the Good Life Promise, is the last dollar scholarship program that would be available to Nebraska students. The Good Life Promise starts by enrolling seventh and eighth grade students who qualify for free and reduced lunch and-- or are in the foster care system as part of the promise. That's part of the bill that I love the most, is that we start getting kids excited about going to college in seventh and eighth grade. If they sign the promise, they simply agree to three things. First, to graduate from a public, private or homeschool with at least a 2.5 grade point average, not use illegally or controlled substance-- substances, and not drive under the influence. However, this does that give the commissioner the flexibility to waive it if for some reason the child-- a student doesn't follow through. This puts kids on a path early in school and helps them start thinking again about postsecondary education. One piece I also really like about this is that it provides a mentoring or mentoring opportunities for students to help them learn about potential career paths as they go down-- that they can go down. In addition to that, they provide the college and university visitation opportunities. Once a student has successfully filled the promise-- fulfilled the promise, they can apply and need to be accepted to an eligible institution, which can be the university system, a state college, one of our independent private colleges, or a community college. They also must fill out the FAFSA , which we have to do now anyway. Finally, they have to sign a new promise which states that during the first and third year at college, they need to meet with at least one or-- employer or labor organization that is approved by the commission for at least 30 minutes to discuss current and future career opportunities. The scholarship is available for four consecutive years and based on the amount of educational expenses minus any state or federal financial assistance awarded to the

recipient. Finally, this creates the Good Life Promise Support Fund and would begin by transferring \$20 million each year into the fund beginning in fiscal year '24-25. It also makes clear that if there is not enough money in the fund to fully cover all scholarships, the Legislature would provide sufficient funds to cover the costs. This would be similar to the Nebraska Promise, which the current-- the university currently offers. The big difference is this extends beyond the university system and starts engaging students at a much younger age. The Good Life Promise would be pivotal to so many of our kids in Nebraska. It would provide them with an opportunity to really think about their future at a fairly young age, and think about the choices that they're making in school and in their personal lives. Every child deserves to feel like they have an opportunity to be successful. And this program tells kids that Nebraska is here for them. With that, I'd be happy to answer any questions, but I know that Dr. Baumgartner is here to discuss the technicalities of the program.

**MURMAN:** Thank you. Any questions for Senator Walz at this time? If not, thank you for opening. Proponents for LB1338.

**MIKE BAUMGARTNER:** Good evening, Chairperson Murman, members of the Education Committee. My name is Mike Baumgartner, M-i-k-e B-a-u-m-g-a-r-t-n-e-r. I am the executive director of the Coordinating Commission for Postsecondary education, and I am here today to testify in support of LB1338. LB1338 is a bold proposal to systematically address Nebraska's need for a highly educated workforce, a need embodied in Nebraska's 70% attainment-- attainment goal that embodies best practices drawn from Indiana's highly successful 21st Century Scholars Program and other similar programs in our region. Indiana's program has operated since 1990 and has positively impacting tens of thousands of low-income students. 30 years of data demonstrate that participants in Indiana's program are more likely to be college-ready than their nonparticipating low-income peers, taking more and earning more dual credit and Advanced Placement courses while in high school. They're more likely to go to college-- to go to college than all high school graduates, and they're more likely to complete their college than low-income peers who are not 21st Century Scholars. The program has been so successful that in 2023, Governor Eric Holcomb signed legislation that automatically enrolls students who meet the income guidelines in eighth grade, though they must still meet program requirements to obtain the scholarships. I guess I should say that I'm familiar with this program because it's been years ago now that I started out my career at the Indiana Commission for Higher Education, where we administered that program, and I have watched it since that time grow into what it is now. Why would the Good Life scholarship

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promise be successful in Nebraska? First, it targets low-income students who graduate from high school and attend college at significantly lower rates than nonlow-income students. Think 80% versus 94% for high school graduation and 61% versus 81% for initiating college attendance within 18 months. So we're already below 50% of low-income students going to college compared to about 75% of nonlow-income. We'll be giving them a promise that they will be able to afford college tuition and fees. And that's an important part early when they're in seventh and eighth grade. It lets them know that if they, if they commit to their future success, the state will also commit to their future success. Second, it encourages them to plan their high school curriculum around postsecondary and workforce success, integrating dual credit, CTE-concentrated pathways, AB-- AP, IB, and other intellectually challenging courses into their careers. Third, the Good Life Promise requirements include meaningful touchpoints over the course of the student's high school career. It encourages high schools and other youth organizations to walk alongside the students and encourage them to stick with the program, and includes college visitation and mentoring opportunities. Fourth, it requires recipients to attend full time. Students who attend full time are much more likely to complete a certificate or a degree than students who attend part time. Plus, they enter the workforce more rapidly and save money. Finally, the program requires scholarship recipients to meet with at least one employer or labor organization in their first or third years, as Senator Walz mentioned, making connection and hopefully gaining internship or other opportunities and learning about great places to work in Nebraska. And I have one more--

**MURMAN:** Sure.

**MIKE BAUMGARTNER:** Just a little bit more. Similar programs are operational in other states nearby, including the Indiana 21st Century Scholars Program, the Oklahoma Promise Program, the new Minnesota North Star Promise Program, and those all operate with two and four-year institutions. At the two-year institution only, excuse me, Tennessee Promise, Missouri A+, Kansas promise for technical programs, and the Future Ready Iowa Last Dollar Scholarship. This is program-- this program is most like Indiana's and Oklahoma's and Missouri's with their high school requirements. It is a last dollar scholarship which reduces the cost of the state. It's not inexpensive, but it is not inexpensive to attend college and to complete college. I've watched these programs develop and spread in other states, and I encourage you to seriously consider the benefits the Good Life Promise Scholarship can bring to Nebraska, and commend Senator Walz for introducing this bill. Finally, for those of you who have had to listen to me for eight

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years, or even the last two, I really appreciate your time on the Education Committee. I think this is the last time I'm testifying before some of you who are going to be termed out, but I really appreciate the time that you have spent listening to me on behalf of the Commission and so many others. And especially on occasions like this tonight, where you've really shown your commitment to education in this state. So thank you for, for everything you've done.

**MURMAN:** Thank you. Any questions for Dr. Baumgartner? If not, thank you for testifying.

**CONRAD:** Thank you.

**MURMAN:** Any other proponents for LB1338? Any opponents for LB1338? Any neutral testifiers for LB1338? If not, Senator Walz, you're welcome to close. And she waives closing.

\_\_\_\_\_: Thank you.

**MURMAN:** And electronically we had 5 proponents, 1 opponent, 0 neutral. So that'll close the hearing on LB1338, and we will open the hearing on LB1347.

Senator. Representative pumpkins.

Yeah, we're Cinderella.

**Speaker 3:** Right.

**WALZ:** Thank you, Chair Murman and members of the Education Committee. My name is Lynne Walz, L-y-n-n-e W-a-l-z, and I represent District 15. Right now, there are roughly 10,000 community schools throughout the country. And this is a model that has been picked up by many school districts and states around the country. Here in Nebraska, a pilot program was lodge-- launched in 2021 and proved to be a highly successful program for those communities, one of which is in my own district, Fremont. They created plans and implemented strategies to accelerate student learning and development, family and community engagement, and partner develop-- partnership development. Community school research has shown that participating students, high-- participating students achieve higher test scores and grades, particularly in math performance. They've also shown greater improvements in school behavior, orientation toward learning, and positive peer relationships. The point of community schools is to take into account the whole child, not just the child showing up to school each day. The model is intended to take into account the other factors

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that impact a student's ability to learn. LB1347 establishes the framework and grant opportunities for more schools to engage in this program. First, it has a Commissioner of Education hire three full-service community school coordinators in different geographical regions across the state. They will help provide technical assistance, ensure evaluation and effectiveness of a programming, encouraging local and community services in that region. The school is eligible if the student body has at least 40% of students eligible for free or reduced lunch, or has been identified for comprehensive or target support intervention pursuant to the federal Elementary and Secondary Education Act of 1965. Those schools apply for a planning grant and an implementation grant. The planning grant first helps to establish or provide additional support to a communitywide leadership team and school-based leadership team, and conducts a needs and asset-- a needs and assets assessment and develop a community school plan. After going through the planning process, they will then apply for an implementation or renewal grant, which the bill lays out exactly what has to be included in each application. Some of those points include school data, the need for integrated student support, and expanded and enriched learning time and opportunities and active family, and community engagement strategies information. The bill also lays out what the grant can be used for, including a community school director, establishing or maintaining that school-based leadership team, and teacher learning communities. Additionally, they have to implement at least two integrated student supports and the bill lists out a few of those, such as health services, nutrition services, programs that provide assistance to students who have been chronically absent, suspended or expelled. They also have to implement expanded and enriched learning time and opportunities, which can include additional academic instruction before, after, summer school programs, mentorship programs, job training, and so on. Finally, they would also have to implement at least two active family and community engagement strategies like on-site early education programs, adult education, or other programs to promote parental involvement like in school-based leadership teams, volunteer opportunities, and so on. These also have to be, be-- I'm sorry. These also have to be new programs. They cannot be duplicative or [INAUDIBLE] programs. Finally, the bill appropriates \$1 million to carry this out. It also requires a report to be submitted to the Legislature on the impact of, of community schools and any recommended revisions. Community schools are intended to engage families and communities in supporting the needs of the children in, in our state. Community schools can really embody the phrase "it takes a village." I also want to be clear, parents have to

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be involved in the community school model. Schools need to have approval from parents to carry out services laid out in it. This bill is aimed at meeting the needs of Nebraskans both inside and outside of school. And this is a model that has seen great success in other communities, including here in Nebraska. With that, I'd be happy to answer any questions that you might have, although I do have testifiers who can also answer questions.

**MURMAN:** Thank you. Any questions for Senator Walz at this time?  
Senator Conrad.

**CONRAD:** Thank you, Chair Murman. Thank you, Senator Walz. And I'll pose to you, or happy to defer to other testifiers, if you could just help the committee understand a little bit more about the-- some of the partnerships that happen with local organizations or Ys or things--

**WALZ:** Yeah.

**CONRAD:** --like that. Because I think that's something that's really cool and might help the committee maybe think through the concept more concretely.

**WALZ:** Yeah. In Fremont, we have what's called a, a community collaboration. I believe, Senator Albrecht, you have South Sioux City? OK. They also have a really vibrant community collaborative--

**CONRAD:** OK.

**WALZ:** --which includes a lot of the nonprofits,--

**CONRAD:** Yeah.

**WALZ:** --United Way, YMCAs, churches. And all of those are examples of who might be participating in the community schools as a resource.

**CONRAD:** Great. Thank you.

**WALZ:** Yeah.

**CONRAD:** Thank you.

**MURMAN:** Thank you. Any other questions? If not, thank you. Any proponents for LB1347?

**JOHN NEAL:** First, thank you for your stamina and your focus tonight. And before I begin, I'd like to share regrets from Superintendent

McDowell. He was here from Crete, he's the superintendent of Crete. They have an amazing CLC down in Crete. He stayed here for many hours, but he had to supervise basketball tonight, so like all great superintendents are supervising basketball right now. My name is John Neal, J-o-h-n N-e-a-l, I am representing Lincoln Public Schools in support of LB1347. Community schools as described in the bill are like 21st Century community schools which exist all across the state with the support of, of a federal grant. In Lincoln, we call our community learning centers, or CLCs. So if I slip up and use that term instead of community schools, they're all full-service community schools. We support all the parts of the bill, but I'm going to focus on especially the planning and implementation grants and the role that they can play in helping CLCs blossom in a community. Back in 1999, LPS started with a very small seed grant and four-- four Title I schools, and started our CLC programs there. 25 years later, we now have 30 CLC programs in 30 Title I schools. And I'll tell you a little bit about those programs. Those 30 programs are run not by the school district alone, but in partnership with at least with 10 of our lead agencies, our nonprofits. It sounds like something very similar to what you have, Sioux City. And but with them are also over 100 community groups that also come in and provide programming like Boy Scouts, Girl Scouts, University, Wesleyan. Everything from a, a metallurgy company to a, a company that does software and coding. They all come in and provide opportunities for students, both in afterschool academic programming that is coordinated with our school, to nutrition, to wellness, to clubs, to recreation, all to help wrap around the students. And it's not just the students. They also provide programming for parents that includes parents learning alongside the-- alongside students, or parents learning about what students are doing during the school day, or learning about lessons they can take home and teach their student at home. It's that full partnership. That all happens in school, but it's not just parents as well. It also includes our neighborhoods. The programs are run by the principal, a full-time employee from the nonprofit, but it's made up of the school neighborhood advisory committee that includes parents, it includes students, it includes our neighbors to talk about programming that's important to the neighborhood and also what organizations in the neighborhood should come in. If there-- is there a local rotary, a local neighborhood association, they all come together to make the programming. I'm running close on time. What makes it so powerful is when we look at our results, NDE comes in and does an evaluation annually on our program. When we look at our state test results, we've seen great gains of our students that participate in CLCs. They tend to be more diverse and have a higher percentage of free and reduced

lunch than even the students with whom they go to school in Title I schools, but their test scores are almost comparable to our nontitled programs, eliminating the academic gap. And that's what we find so exciting. And that I'll come back to, if I may proceed just briefly--

**MURMAN:** Sure.

**JOHN NEAL:** --is where the seed money is so important. That seed money that's coming in from the 21st Century funds has brought in an 8 to 1 ratio with our local nonprofits. So our total budget across 30 of over \$8 million, \$7 million is coming from local partnerships, not from our grants, not from the school district, but investment. But we've seen the secret sauce is if the seed money comes in from outside, it gets wrapped around by our community. And that's where this bill could be so important in that the planning and implementation grants can provide that seed that our local community can nurture with its funding. And that's what helps the CLCs blossom, because the current federal program, the 21st Century funds, no longer support new CLCs. And the poverty that's grown in Lincoln, we already have 10 more schools that qualify at that 40% poverty level that we can't start because we don't have that seed funding. Other school districts all across the state are in the same spot. It's not unique to Lincoln, but that's where that seed money and the structure described by Senator Walz can really make things work. I'm sorry I went over time on such a late night. I'd be happy to try to answer questions, but the person that will follow me is actually a lot smarter and a lot more talented than I am when it comes to CLCs.

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

**CONRAD:** Well, I just want to thank you for being here, John. And you work as hard as everybody else in this room and beyond. And I know that this is kind of a milestone session for you as well, as you're getting ready for next steps in your career. But I want to thank you for your service and for being here. And, you know, sometimes the things that make the headlines are the areas where perhaps we're critical of the schools or where we have a disagreement. But I can say wholeheartedly that my family loves being a part of the LPS family and we love what's happening with our kids in Lincoln Public Schools. And when I ask my little ones, like, what's the best part of your day? CLC. I mean, they love their teachers and they have cool teachers, and they've had wonderful experiences, but they love the afterschool program. It just, it's, it's literally like the, the best part of their day with the diversity of activities available. And, it's, it's, it's really cool to see kind of up, up close and personal how that

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works with the, the regular school program to kind of wrap that around so.

**JOHN NEAL:** That's so great.

**CONRAD:** Just wanted to throw that out there because I hear about CLCs like every day.

**JOHN NEAL:** And the amazing, and the amazing employees from the nonprofits that run that and all the community groups. And it really starts with the students helping plan what those experiences are, and the adults making sure then the learning is embedded in those activities.

**CONRAD:** Yeah.

**JOHN NEAL:** It's a [INAUDIBLE].

**CONRAD:** And when you look at the array of clubs that are available, like, it's very diverse and very impressive. There's really something for everybody to explore new, new skills or, you know, to, to find that, that niche where your, your really is your happy place already. So thank you. Thank you.

**MURMAN:** Thank you. Any other questions? If not, thanks for the testimony.

**JOHN NEAL:** Thank you.

**MURMAN:** Other proponents.

**NOLA DERBY-BENNETT:** Good evening, Senator Murman and members of the Education Committee. My name is Nola Derby-Bennett, N-o-l-a D-e-r-b-y-B-e-n-n-e-t-t, and I serve as the director of Lincoln Community Learning Centers with Lincoln Public Schools. We serve 30 Title I-eligible buildings in our district. The mission of Lincoln Community Learning Centers is to support successful students, thriving families, and strong neighborhoods. To meet that mission, we adopted the full-service community model many years ago because we know that student success improves when families are thriving and the community in which they live is strong and supportive. The community schools model is a national best practice, and we will work-- and we work closely with the National Coalition for Community Schools for guidance in im-- implementing the model. We know that the best way to truly meet our mission is to collaborate with community partners who are experts in all of the supports that wrap around our students and their

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families to help them thrive. In Lincoln Public Schools, we work collaboratively with 10 local nonprofits to lead our community learning centers, and then, under the direction of each school-based leadership team, we partner with hundreds of community partners to deliver high-quality academic and enrichment programming, as well as education and supports for parents and community members. We operate under the principle that the school is the hub of each neighborhood by providing services and supports where people already are. We support LB1347 because it will allow the ability to expand on partnerships, engaging community experts to truly bring supports and opportunities for families. Some of these supports are familiar to us, such as the partnerships with local food banks for the Backpack programs and food markets, and adult education opportunities such as the Lincoln Chamber of Commerce's Lincoln Manufacturing Skills Training. Families can even file their taxes through a partnership with UNL VITA-- UNL's VITA tax prep while they're at the school to pick up their children at the end of the school day. Other partnerships remain on the horizon. Services such as school-based mental-- medical and dental clinics, housing supports, and behavioral health supports sufficient enough to serve all students who need it. I have recently had the opportunity to visit two different school-based health clinics, one in Cleveland, Ohio, and one in Asheville, North Carolina. In both visits, the school officials outlined impressive outcomes, illustrating the improvement in student attendance and performance because students could visit the clinic right on campus to get an exam for something as simple as an ear infection or sinus infection. They can get their prescription filled and then they can get straight back to class, reducing time out of the classroom. The school was serving as the hub of supports for students and their families. This Community Schools Act would provide the opportunity to lean into the school as the community hub concept, letting our educators be the experts in their field and our community partners to be the experts in theirs, all while providing comprehensive, integrated supports for students, families, and the community. And for these reasons, we are happy to support LB1347.

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

**NOLA DERBY-BENNETT:** Happy to take questions.

**MURMAN:** If not, thanks for your testimony.

**NOLA DERBY-BENNETT:** Thank you.

**CONRAD:** Thank you.

**MURMAN:** Other proponents?

**SARAH ZUCKERMAN:** Good evening. My name is Sarah Zuckerman, S-a-r-a-h Z-u-c-k-e-r-m-a-n, I am an associate professor of education administration at the University of Nebraska-Lincoln. But I'm speaking today only on behalf of myself and my personal experiences and my expertise. I want to start by thanking Senator Walz for bringing forward this bill, and for all of you for staying this late. I was previously a special education teacher, and the idea of a community school is the reason that I sought out a PhD. Except I didn't yet know the words to describe a school where students and families had access to services, high-quality afterschool and summer programs, and where families worked hand-in-hand with educators to provide the best educational and developmental opportunities. In my very first PhD class, I learned that I wasn't alone in my daydreams for my students and their families, and I became a community school proponent. I completed a yearlong administrative internship in an elementary school, working to transition to a community school model. I attended leadership meetings with community members, representatives of local health and social service agencies, and teachers to determine how best to meet the needs of a diverse student body and their families. I worked with the community school coordinator and family engagement specialist to increase opportunities for families to participate in the life of the school. I visited community schools in New York City, in Cooperstown, New York, and in Cincinnati, where I saw firsthand the impacts of this collaborative approach on students, their families, and their whole communities. I learned the value of co-location of health and mental health services, where students could spend more time in school but still get the care that they needed. I saw community gardens created by children and their families, and artwork that represented their communities. I also learned through my extensive reading that in fact, I had taught at a community school, one of the first rural schools-- community schools in the nation, which explained the co-location of the early childhood programs, the monthly visit from a dentist, and the afterschool program in which I worked. But due to losses in funding and turnover of leadership, many of the other elements of a community school had fallen by the wayside. It really hit home for me that community schools require support for more than just a single leader, which is why I'm so grateful to see this bill. In addition to my own experiences, I can also share the research that shows community schools improve student achievement and support higher graduation rates. And they do this in cost-effective ways by bringing together resources from multiple organizations and sectors to support children and families to increase access to

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services and reduce costly redundancies. Research shows a high rate of return on investment in community schools. For every \$1 invested, their return is over \$7. The strong research base in community schools is why they're included in my workforce economic and community development course that I teach each year to graduate students in higher education and K-12 education at UNL. My graduate students learn about community schools as an evidence-based strategy for creating better outcomes, for engaging community members, and for strengthening local communities.

**MURMAN:** You do have the red light, but you're welcome to wrap up quickly.

**SARAH ZUCKERMAN:** One more sentence. It never fails to elicit a reaction from my students of why don't we do this here? And I hope in the future to be able to share with them exactly how Nebraska does this.

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

**SARAH ZUCKERMAN:** Questions?

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

**CONRAD:** Thank you.

**MURMAN:** Other proponents?

**JOE DiCOSTANZO:** You ready for me?

**MURMAN:** Yeah, go ahead.

**JOE DiCOSTANZO:** All right. Thank you all first for staying late. Appreciate it. And I'll try to be entertaining to keep you guys awake as we finish up here, and not stand too long, too, too long and hard in between you and the exit here. So, Chairman Murman and members of the committee, my name is Jody DiCostanzo, J-o-e D-i-C-o-s-t-a-n-z-o, and I am vice president of education at Nebraska Children and Families Foundation. And I, I am here to speak in support of LB1347, the Community Schools Act. Today's testimony draws on historical data on community schools, learnings from our pilot sites with the Nebraska Department of Education as supported in partnership with NCFE, and national trends. You have my testimony in front of you, so I'm just gonna hit some highlights. Community schools are a collaborative strategy-- it's not a single program, it's not an additional building, it's not some flashy new technology-- that organizes community

resources to best support students' success. They're about intentionally building relationships. These schools serve as a hub or a connector to address academic and nonacademic needs and help improve student achievement. Community schools form strategic partnerships, as testifiers before me discussed, with families and community-based organizations to address the unique needs. The community school strategy is a fusion of place and partnership, emphasizing the importance of integrating education with additional supports to foster student well-being and academic success. This approach has been used in public and nonpublic schools across the nation. These schools emphasize actively engaging families, students and community members to create a thriving educational environment. When a community school strategy is implemented, it's not just one more thing for a teacher or a school to do. It actually produces the opposite effect. It allows the teachers to teach, and when nonacademic needs arises, like a student not being able to see the board because they don't have eyeglasses, the teacher can refer the need to, to a site coordinator who can partner with a community agency to solve the issue of the glasses, not the teacher having to worry about the curriculum and figure out how to get the student to an optometrist. The full-service community schools pilot programs in Fremont, Grand Island, Schuyler, and South Sioux City provide compelling evidence for this model's efficacy. A rural full-service community school pilot is underway in three areas: south-central Nebraska, southeast Nebraska, and north-central Nebraska, which already have found success. The list of those schools that we've partnered with in those pilots are on the back page here. To further the momentum of the pilot programs, NCCFF has partnered with the Nebraska Department of Education, Department of Health and Human Services and pursued the U.S. Department of Education's Full-Service Community Schools grant. Even though we came up just short of winning in '22 and '23, it's important to note the application garnered widespread support, evidenced by the letters of endorsement from a diverse array of stakeholders. As mentioned before, this is an investment in our future. A 7 to 1 return on investment when a school community coordinator is implemented from a 2019 study. LB1347, the Community Schools Act, offers an opportunity to build on the success of locally developed pilot programs and expand their effective model across Nebraska to districts that voluntarily engage in this strategy. It's an investment in our children, our families, and our future. Thank you for your time and consideration. I'll be happy to answer any questions.

**MURMAN:** Thank you. You've got a list there, the rural community schools pilot programs?

**JOE DiCOSTANZO:** Yes.

**MURMAN:** How are those funded?

**JOE DiCOSTANZO:** Those are funded through the ESSER dollars, a partnership with the Department of Education and Nebraska Children and Families Foundation. And the community collaboratives in the area, just like Fremont and South Sioux City, work as the hub. So we work to fund that coordinator that works with several school districts, which isn't pure to the full-service model of one site coordinator per school, but we're working with them to address a variety of different needs and challenges as they face, just like urban school districts do, as well. But they just face some different challenges. So the hub there is that community collaborative that works with a variety of schools.

**MURMAN:** So the educational responsibility of it is totally funded with ESSER dollars?

**JOE DiCOSTANZO:** That's correct.

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

**JOE DiCOSTANZO:** OK, thanks.

**CONRAD:** Thank you.

**JOE DiCOSTANZO:** I thought I was going to get a question on how to use a QR code, which, which, is on there. And that has our 40-page summary report of our pilot sites and a, a playbook for Nebraska. So thank you.

**MURMAN:** Thank you.

**CONRAD:** Thank you, Joe. Good to see you.

**JOE DiCOSTANZO:** Thanks.

**MURMAN:** Any other proponents for LB1347? Any opponents for LB1347? Any neutral testifiers for LB1347? Senator Walz, ready to close?

**WALZ:** I'm just going-- all I want to do is say thank you to the testifiers who came today. They are experts in this area. And, you know, when we can all take part in providing resources to our kids, it obviously proves to be a, a really good outcome. I had something else

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to say, and I can't remember what it was. I don't remember you guys, I'm sorry.

**CONRAD:** It's a brilliant hearing.

**WALZ:** Yeah, sorry. Thank you for listening.

**MURMAN:** I should say in the emails, there were 29 proponents, 103 opponents, and 0 neutral. Any questions for Senator Walz?

**WALZ:** Yeah. Ask me that question.

**CONRAD:** OK.

**MURMAN:** Senator Conrad.

**WALZ:** No, you better not.

**CONRAD:** Thank you, Chair Murman. Senator Walz, would you like to weigh in? I think there's perhaps, maybe a misunderstanding about what's contemplated in, in your measure. And it seemed like from some of the email blasts that people were concerned about some of the divisive culture war issues. But I don't see that in the four corners of your bill, and I, I didn't know if you wanted a chance just to clarify that for the committee.

**WALZ:** Yeah. I think that there was like an alert that went out on, on the bill.

**CONRAD:** There must have been.

**WALZ:** Yeah, apparently. And, you know, some of the things that they were concerned about was that it would implement expanded and enriched learning opportunities, that it would implement at least two family and community engagement activities. It would establish school-based leadership team of teacher learning communities. So, I guess I'm not really seeing where the--

**CONRAD:** OK.

**WALZ:** --where the problem is, but--

**CONRAD:** Thank you so much.

**WALZ:** Yeah.

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**MURMAN:** Any other questions? If not, that will wrap up LB1347 and our hearing for the day.