

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 11, 2025

HUGHES: OK. Welcome to the Education Committee. I am Senator Dave Murman-- oh, wait. No, that's not what I say. I'm just kidding. I am Senator Jana Hughes from Seward, representing the 24th Legislative District, and I am serving as vice chair of this committee. Senator Murman is at another event, and probably should be here around 2:00, so we'll just cover for him until then. This public hearing is your opportunity to be part of the legislative process, and to express your position on the proposed legislation before us. The committee will take up agenda items in the order that they are posted. If you wish to testify on the mic today, please fill out a green testifier sheet. I see familiar faces in here, so I think everybody knows that. The forms can be found at the entrances to the hearing room. Be sure to print clearly and provide all the requested information. If you will testify on more than one agenda item, you will need a new green sheet every time you come forward. When it is your turn to come forward, please give your testifier sheet and any handouts you have to the page as you are seated. If you have handouts, we request that you provide 12 copies for distribution, and if you do not have 12 copies, please let the page know when you come forward. At the microphone, begin by stating your name and spelling of both your first and last names to ensure we get an accurate record. Observers, if you do not wish to testify but would like to indicate your position, position on an agenda item, there are yellow sign-in sheets in the notebooks at the entrances, and the sign-in sheets will be used in the official hearing record. We will begin with the introducer giving an opening statement at the mic, followed by proponents, opponents, and then those that wish to speak, speak in the neutral capacity. The introducer will then have an opportunity to give a closing statement, if they so wish. We're going to change things up today and we are going to use a four-minute light system for all our testifiers. When you begin your testimony, the light on the table will be green. When the yellow light comes on, you'll have one minute to wrap up your thoughts, and the red light indicates that you've reached the end of your time limit. Questions from the committee may follow, off the clock. A few final items to facilitate today's hearing. Please mute-- Senator Dungan-- your cell phone and/or any other electric-- electronic devices.

DUNGAN: For the record, that was not me.

HUGHES: Oh, that-- I thought it was.

DUNGAN: No.

HUGHES: OK. I--

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DUNGAN: Let's make that very clear.

HUGHES: I apologize. That was not Senator Dungan's phone. I just heard the little alarm, so. Verbal outbursts or applause are not permitted; such behavior may be cause for you to be asked to leave in the hearing room. We'll see if we get that exciting of a bill that we get that kind of reaction. Know that the committee members may need to come and go during the afternoon for other hearings. I will ow-- now ask the committee members with us to introduce themselves, starting at my right with--

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

CONRAD: Good afternoon. My name is Daniel Conrad. I represent north Lincoln.

MEYER: Good afternoon. I'm Glen Meyer, District 17, northeast Nebraska. Dakota, Thurston, Wayne, and southern part of Dixon County.

LONOWSKI: Good afternoon. I'm Dan Lonowski. I have Adams County, Kearney County, and rural Phelps County in District 33.

HUGHES: All right. Thank you. To my right is our committee's legal counsel, Kevin "Lonyavon?" "Longevin?"

KEVIN LANGEVIN: Langevin.

HUGHES: Langevin. OK. Got it. Langevin. And to my far right is our committee clerk, Diane Johnson. The pages who serve our committee-- and I'm going to put you guys on the spot. Would you guys mind standing up and saying your name, and a-- like, year in school, and what you're studying, please?

RUBY KINZIE: I'm Ruby Kinzie. I am a junior political science major at UNL.

HUGHES: Thank you.

JESSICA VIHSTADT: My name's Jessica. I'm a sophomore at UNL, and I'm studying political science and criminal justice.

HUGHES: All right. Isn't there one more?

JESSICA VIHSTADT: She ran a--

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HUGHES: Oh, she's running an errand. OK. I think-- and that's Sydney. Is that correct? OK. Sydney Cochran. And she's from Lincoln. She's a freshman at UNL studying business administration and U.S. history. All right, Senator Dungan, we are ready to go with LB408.

DUNGAN: Thank you very much. And good afternoon to you, Vice Chair Hughes, and Education Committee members. I am Senator George Dungan, G-e-o-r-g-e D-u-n-g-a-n. I represent Legislative District 26 in northeast Lincoln, and today, I'm here to introduce LB408. LB408 creates the Special Education teachable-- Teacher Forgivable Loan Program Act. The Special Education Teacher Forgivable Loan Program Act will be administered through the Nebraska Department of Education. It will assist up to 25 individuals enrolled at a state college in Nebraska or the University of Nebraska in becoming special education teachers by supporting forgivable loans to those individuals who commit to teaching in Nebraska following their certification as teachers with a special, special education endorsement. Nebraska, like the rest of the nation, needs more educators. The special education sector is experiencing some of the most severe and acute shortages in that crisis. This legislation is a targeted approach to try to address that shortage. LB48-- LB408 creates a pilot program that limits the number of forgivable loans to 25 per institution. Once they receive their education-- degree in education, they have one year to find employment at an elementary or high school here in Nebraska. They will then have their loans through the department forgiven over a five-year time period, or the equivalent number of years the loan was taken. We did allow the department to use its judgment when offering deferments. This is in case somebody, for example, is severely injured and can no longer work, or maybe they have an ailing family member and they need to take time off for an extended period of time. For those who've been in the Legislature before, this legislation probably looks familiar. I brought this identical bill last year, two years ago, and it actually made it out of the committee and into the education package, but unfortunately, due to a number of constraints, both time and financial, that ultimately was removed from that package. If you're also from the Legislature previously, or new here, you might know that the special education world and the developmental disabilities community is of great importance to me personally. I have worked with and around the developmental disabilities, or DD community, on a pretty regular basis over the last few years, and I know a number of people who work in the community, so it's of special note to me. We all know the importance of special education teachers. We have people sitting in this committee and testifiers who are going to come up who personally have seen the importance of special education teachers.

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They cover a wide array of services. I'm not going to go into all of those, but they touch a number of the most necessary services that we provide at all of our schools, both public and private. In addition to that, as I'm sure many of you who've been on this committee before know, we have a crisis of special education teachers in this state. We need more teachers, period, but we absolutely need more special education teachers and we need them yesterday. We are seeing-- specifically I know in Omaha public schools, as well as others, interim studies that were held, essentially saying, what can we do to help you get more special education teachers? Because you simply don't have enough. This bill was a targeted approach, as I said, intended to try to encourage more folks going into the workforce. We can do as much as we can to pay teachers more; we should pay teachers more, both new and experienced teachers. But if you don't have new people becoming teachers, it's all for nothing. So, that's part of what brought this bill about, was seeking to solve a very specific problem that we in the Legislature have been hearing about now for the past couple of years. LB408 provides a path for people who want to be teachers to become special education teachers. I understand there is absolutely a fiscal note attached to this; it is minuscule. It is minuscule compared to the problem that we're dealing with. I'm not going to go into great detail about the fiscal note, I'm sure you all have already read it. But it's difficult to ascertain the total cost of this. But even at full implementation, they're assuming that each institution would be anywhere between \$144,000 to \$250,000 per year. We're talking less than \$500,000 for people to become special education teachers. So, I know that we find ourselves in a very precarious financial situation this session. I'm not ignorant to that fact, and I am sympathetic to the fact that we have to ensure we're being fiscally responsible. But when we look at fiscal notes, we always have to look at the return on investment. We always have to look at, if we invest this money upstream, what money does that save us downstream? And if we're having to contract with other states to try to get teachers, and any number of, of costs that we could incur by not having proper special education, they could far exceed what I think the fiscal note on this touches. So, with that, we have a number of people here today, I think, who are going to explain the importance of this program, probably go into more details with regards to the implementation from the Department of Education. But for now, I'm happy to answer any questions you might have about LB408.

HUGHES: All right. Do we have any questions? Senator-- thank you, Senator Lonowski.

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LONOWSKI: Thank you, Chairman-- Chairwoman Hughes. And thank you, Senator Dungan. I absolutely support this, but I, but I do have some questions. What percentage, or, or how many are we short? And maybe-- and this question is for anybody that comes behind him, in case you can't answer them? Do you know that [INAUDIBLE]--

DUNGAN: I, I don't know the specific number of, like, how many openings we have currently in jobs they're looking for, but I do know that what counts as an acute crisis in a lot of these school districts can be made up with 1 or 2 teachers. And that shows the importance of them, but, I mean, if you're talking to OPS-- they probably will speak after me--

LONOWSKI: OK.

DUNGAN: They don't need-- we're not talking 50, 60, 70 people needing to go into these programs. We're talking five teachers could make or break whether a couple of school districts have sufficient staffing.

LONOWSKI: OK. And I, I didn't see it in the bill. I looked through it real quick. Is there an amount? Like, a set amount?

DUNGAN: I don't think that I-- we placed a cap on it originally because, again, we don't anticipate it costing that much, based on our conversations we had with the university and the state colleges. There's not a massive amount of people looking to go into this field, and that's part of the problem. So, you know, the cap that we put in place instead of a financial amount was the 25 per institution. My understanding-- that-- that's going to be very hard to reach in most of these institutions. It's not like we're going to have to cut people off, but that's part of what makes it the pilot program. If we have to limit it more, if we need to expand it in the future, I'm happy to look into that. But the 25 was decided, I think, in an effort to be accommodating, but I don't imagine that's going to be full in most of the institutions this would affect.

LONOWSKI: I, I guess I was thinking of a UNK grad versus a Wesleyan grad; like, their, their cost of an education would be a little bit different.

DUNGAN: It would be. And I would also point out that one of the requirements here is that the applicant who this goes to has to first exhaust all other federal and state financial aid.

LONOWSKI: OK.

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DUNGAN: So, you know, essentially it says you have to apply for this other assistance. And then, once you've applied for that and been granted what other-- whatever other assistance you would get, this back-fills the remaining amount. And so, there is that sort of catch-all requirement there, that you have to try to get that other aid first, and if you still can't pay for the whole thing, we'll give you this loan. And then again, it's forgivable over a period of time afterwards. So, if you do bail out and don't continue teaching past that five-year mark or once your loans have been paid off, you would be on the hook for the rest of it.

LONOWSKI: OK. Thank you.

DUNGAN: Mhmm.

HUGHES: Other questions? Senator Meyer?

MEYER: Thank you, Chairwoman. Just for clarification, some of the material says 25 applicants, some says 25 per institution, which would be 100 if we're doing 3 state colleges and the UNL [SIC] system. So, it's roughly 100 is what we're anticipating. Just for clarification.

DUNGAN: That would be the cap, correct. Yeah.

MEYER: OK.

DUNGAN: We did do it per institution, because I think the concern was, obviously, if you limit it statewide, I didn't want individuals in state colleges or other parts of the state to get told they can't apply for these forgivable loans just because UNL filled up first, or something like that.

MEYER: If we had an existing teacher that decided they wanted to go into special ed, and would go to school for that endorsement, would, would she qualify? Or he qualify?

DUNGAN: That's a good question. And that came up last year. I'd have to go back and double-check the specific language. I think the intention when it was originally written was to have it be people who were new to the teaching profession,--

MEYER: It says--

DUNGAN: --that this would not apply to folks who were just going back for the certification.

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MEYER: That's kind of how it reads, initial applicant. And, and-- but I'm just curious, because on occasion, people do want to enhance their endorsement and go into special ed. And so I was just curious if that would be something that could be included in there.

DUNGAN: I'll be honest with you, I would love that. I mean, there's a, there's a lot of people who we would like to get back into-- to get that certification. I would love to include them. I would also love to include speech pathologists or any number of other specialized professions in the schools that we're lacking, but the problem is just money. And so, I think this was intended to be a fiscally responsible and limited approach, to see if this helps the problem. And then, if we need to approach it with additional applicants or opening it up to other folks, I'm happy to look at that.

MEYER: Special education is so difficult. It takes a special talent, a special mindset, a special, special person to do that. Man, if we'd get 100 applicants in a year's time, I'd, I'd-- I would be absolutely thrilled.

DUNGAN: It'd be incredible, yeah.

MEYER: But it's, it's extremely difficult. Only special people can do that. So, thank you.

DUNGAN: Mmhmm. Yeah, thank you.

HUGHES: Thank you, Senator Meyer. Ope. Senator Sanders.

SANDERS: Thank you, Senator Hughes. Maybe this is more of a conversation. The city of Schuyler-- the superintendent of Schuyler, Nebraska, just recently hired 13 Filipino teachers to come out and teach, a couple of them that are in special ed. It's a cost to them between \$5,000 to \$10,000 to be able to get all the certification they need. They take out a student loan, or a loan to come here to teach and help our-- they come speaking English, they assimilate very easily, but I didn't see anything-- you do have an immigration T-51 [SIC] status, but it doesn't mention the Philippines; it's Palau, Marshall Islands, Micronesia. Just wondering if that's something we can discuss, or--

DUNGAN: Oh yeah.

SANDERS: --amend into the--

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DUNGAN: Absolutely. No, I think that a lot of the language with regards to the eligible non-citizen is mirroring federal language; it's mirroring language in other statutes. So, that's nothing that we're trying to do to be exclusive, and if there needs to be a slight tweak to that to make sure those folks who are doing incredible work could be included, I would be more than happy to work on that language.

SANDERS: OK. Thank you.

DUNGAN: Yeah. Thank you.

SANDERS: Thank you, Chair.

HUGHES: Anybody else? I think I have one question. If-- would this apply to any student? Like, let's say I'm a sophomore at University of Nebraska. Would that-- if this goes into effect, can I apply? Or is this just new going into the institution?

DUNGAN: You'd be able to apply.

HUGHES: Yeah, you would be able to apply? OK.

DUNGAN: That's at least the intention.

HUGHES: Yeah.

DUNGAN: If we need to tweak the language--

HUGHES: No, I don't think-- yeah.

DUNGAN: Well, and 'cause there's also the question-- if I could just briefly--

HUGHES: Yeah, go ahead.

DUNGAN: You know, people don't always know when they go into college--

HUGHES: Fair.

DUNGAN: --what they're going to do.

HUGHES: Right.

DUNGAN: And so, what we didn't want to do is have somebody say, oh, you missed applying for this as a freshman--

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HUGHES: And now you're out. Yeah. [INAUDIBLE]

DUNGAN: Exactly. So, if you're in your second year, third year and you say, hey, I want to be one of those special people who goes into this work, we want to make sure it's open to those folks who realize that's their calling.

HUGHES: And just to clarify, I think what-- it's really six institutions, right? The three state colleges, and then UNL, UNO, and UNK each could have 25? Or university systems as a whole has 25?

DUNGAN: That's a good question. The intention, again, when we wrote this, was to include each individual institution, not the university system as a whole.

HUGHES: Right. OK. [INAUDIBLE]

DUNGAN: That-- yeah, I saw you doing math over there,--

HUGHES: OK.

DUNGAN: --so I was, was worried you going to ask me more complicated question, but--

HUGHES: No, I--

DUNGAN: Yes, it'd be each--

HUGHES: That's as crazy as it gets right now.

DUNGAN: Each institution, correct.

HUGHES: OK. Perfect. All right. Thank you.

DUNGAN: Thank you.

HUGHES: And we will ask for the first proponent, please.

KYLE MCGOWAN: Good afternoon, Vice Chair Hughes 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, NASB, STANCE, NRCSA, GNSA, ESUCC, and the NSEA. It's pretty much the whole alphabet soup of education. And we would like to thank Senator Duggan [SIC] for his continuous efforts to address the shortage of teachers in Nebraska. In, in terms of triage, special education problem is the highest need. I haven't looked this year, I don't have specific numbers, but it appeared last year that it was the highest

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number of openings in-- across the state. So, the-- this is a step in the right direction. We feel that the forgivable-- excuse me, the forgivable loan program would encourage students, first of all, to maybe go into education, but students that are in the field of education, maybe, to focus on special education. The plan is really well-thought-out, and does include beginning with a contract with NDE, and does address that the loan may only be used after exhausting attempts for financial aid through federal and state aid programs. The student must begin teaching classes within a year after graduating from a Nebraska school, the, the receiving applicant must teach for at least the number of years equivalent to the number of years of the loan taken, and you heard from Senator Dungan a, a, a number of other criteria of which you discussed. The, the cost of college, compared to a teacher salary, is formidable. We believe a loan forgiveness program would definitely incentivize people to become teachers and special education teachers. With that, I would be happy to try to answer any questions.

HUGHES: All right. Thank you, Mr. McGowan. Questions for Mr. McGowan? Easy enough. Thank you. Next proponent. Go ahead.

NICOLE LOPEZ-BETTENDORF: Hello. My name is Nicole Lopez-Bettendorf. So sorry. N-i-c-o-l-e L-o-p-e-z-B-e-t-t-e-n-d-o-r-f, and I am a special education teacher from Lincoln, Nebraska. I am speaking in support of this bill on behalf of the Nebraska State Education Association. Prior to becoming a certify-- ooh, excuse me. Prior to becoming a certified teacher, I worked as a paraeducator in a preschool classroom. During those three years as a para, I learned a great deal about becoming an educator: how to work on a team, how much time planning truly takes, and that every student's needs, both with and without an IEP, are very different. I learned I had what it took to be a teacher, and I've realized that I've been incredibly lucky and still am to be part of a district that grows our own through a program to assist paraeducators to become full-time certified classroom teachers. I was fortunate to be part of a group of educators who encouraged me to proceed with a teacher preparation program that would be challenging. I was also lucky to have the financial means and ability to acquire the loans needed to further my education in a way I knew would serve my community. But not all districts nor educators are that fortunate. Some districts do not have the built-in personnel to fill educational areas of need, nor do they have the bandwidth to develop, educate and support the need-- or excuse me, to support the next round of teachers. Additionally, some do not have the resources to acquire loans to complete the necessary educational programs to become a special education teacher. One of the reasons I think this bill is so

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great is because of the financial support it would provide. It would help those who are feeling the call to be a special educator to financially navigate their way through a program, and to give back to the communities that have provided them with that opportunity. In my mind, passing a bill that allows our state to fund upcoming educators says our state understands the need for and supports growing our teaching corps. As stated in this bill, one of our most pressing issues in Nebraska is having enough qualified teachers available for hire in these high-need areas like special education. However, the need for teacher retention is an additional issue that I believe this bill will help address. I believe this bill would work to help districts throughout the state keep the teachers they hire for a longer period of time. We need to find ways to thank and reward the educators who decide to fill these areas of need that many don't feel ready or willing to fill. With the passage of this bill, I believe more future educators will choose the path of special education, so I encourage you to support LB408.

HUGHES: Very good. Thank you.

NICOLE LOPEZ-BETTENDORF: Questions?

HUGHES: Thank you for coming in, Ms. Lopez-Bettendorf. And I'm sure I, for everybody, say thank you for what you do. And becoming a para and turning-- and learning that, you know, this is what you wanted to do, and become special ed it's just really, really great. So, thank you for that. Questions for her? Yes, Senator Conrad.

CONRAD: Thank you. Thank you, Vice Chair. Good to see you again.

NICOLE LOPEZ-BETTENDORF: Yes, you too.

CONRAD: Hi. How are you? Welcome. In addition to your great advocacy and testimony, I know that we've had a chance to interact in the community as well, and I know we've got kind of a, a grouping of bills today all focused on addressing different areas of strengthening our approach to providing special education to kids with special learning needs. Can you just help us to maybe get an understanding about, you know-- from what you're looking at, is there one best approach? Is it an all-hands-on-deck kind of approach, from loan forgiveness to class sizes to paperwork help, to-- I mean, what-- to more para support? I mean, what, what really are the-- as we're triaging this situation, what really are the, the top needs for, for special ed teachers today? Or would anything help? And if you want to think about it and come back during, during one of the later hearings-- because I think you're

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going to be here for, for most of the bills today-- I just think that would maybe be helpful for the committee to get, you know, some feedback from all of the different stakeholders. Because all of these seem like really good ideas to strengthen our approach to special ed. So, just trying to figure out, like, if we can only expend so much, or if we can only do so much, what's, what's going to make the most impact for you on the front line? So, if you just want to think about that, I think that would be really helpful.

NICOLE LOPEZ-BETTENDORF: While I would hate to say yes, the all-around approach is what's necessary, I would say that is what's--

CONRAD: Yes, sure.

NICOLE LOPEZ-BETTENDORF: --necessary, similar to what this bill and Senator Dungan shared. We do not have the numbers coming in through education, like, programs to fill these special education needs. At the same time, within our buildings, there are so many other needs that go unaddressed. I would say, like, students who are deaf,--

CONRAD: Mhmm.

NICOLE LOPEZ-BETTENDORF: We have a huge need in the state for that, which isn't, like, fully covered--

CONRAD: Right.

NICOLE LOPEZ-BETTENDORF: --in the special education. I'd say the program that I went through is not applicable to teach students who are deaf or hard of hearing. So, in all honesty, a little bit of everything, the para support is very necessary, and my district does a fantastic job of, like I said, growing our own. So, who we have in the buildings are there for the right reasons, and it just feels like who we have just keeps getting taken, though. If our paras turn into teachers; if our teachers turn into specialists, if our specialists leave the building, we're constantly in a state of flux. So, everything is helpful.

CONRAD: That's really helpful. It's a big question, but I appreciate your feedback on the spot, and anybody else who wants to weigh in there too, because I think we're all committed to doing the right thing for kids with special learning needs. But we just-- we want to try and figure out, amongst all these good ideas, the best way to get there, or at least continue the work, taking additional steps forward. Thank you.

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HUGHES: Thank you, Senator Conrad. Senator Meyer.

MEYER: Thank you, Chairwoman. Just a que-- just a question. You mentioned paras, I believe.

NICOLE LOPEZ-BETTENDORF: Yeah.

MEYER: I had to turn my hearing aid up. [INAUDIBLE] I should maybe sit a little closer; that might help too. So, do you have sufficient help with paras? And I know they're an important part of, of assisting you in the, in the classroom with special ed. What's the status? Do you-- can you get enough paras? Do you have enough help? You know, naturally, you would, you would want more trained special ed teachers. But from the standpoint of paras, can you get enough help for the hands-on in the classrooms?

NICOLE LOPEZ-BETTENDORF: Yes and no. My building is very fortunate that the para team we have has decided to stay on with us, year after year. But they are individuals who are kind of also getting up in age, so then, sometimes working with our students who may be more violent, or students who need more hands-on support, and these students who might need like a two-person lift transfer, that sort of thing, it's becoming increasingly difficult. And from what I've seen, we don't have, like, the younger, quote-unquote, population coming in to kind of fill those spaces when those paras we currently have leave. Their hearts are really big, but we only have a certain number of, you know, years that everyone is going to be in the buildings. And-- good and bad, the paras that we have, we are finding the ones who truly have a heart for education and are turning them into full classroom teachers. But when that workforce is gone, I'm not sure where we're going to turn to.

MEYER: Just--

HUGHES: OK. No, go ahead.

MEYER: One more, one more. Kind of a softball here. With your younger paras, do you think a program like this would encourage them to go on and get their teaching degree and their endorsement in special ed? Do you, do you, do you have paras that this could benefit?

NICOLE LOPEZ-BETTENDORF: Yes. Well, my district is lucky enough that our, like, para-to-teacher program, they do, like, support them and fund them. For paraeducators who are maybe in similar districts, this would be really valuable to them. I am lucky enough to be supported by a paraeducator in the classroom that I left on my way here who is

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going through this program. He is the son of a teacher who is teaching in my building, so he definitely, like, has it in his blood.

MEYER: That's nepotism, isn't it?

NICOLE LOPEZ-BETTENDORF: But for the rest of us--

MEYER: That's OK. It's OK.

NICOLE LOPEZ-BETTENDORF: --who were paras who become teachers, you 100% know that they are in it. They know exactly what the work looks like, what the paper looks like. They also know what the acronyms are, so they know exactly what they're getting into, I'd say.

MEYER: Thank you very much.

NICOLE LOPEZ-BETTENDORF: Yeah.

MEYER: Appreciate your time.

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

NICOLE LOPEZ-BETTENDORF: Yes. Thank you.

HUGHES: Next proponent. Go ahead.

JANE ERDENBERGER: Good afternoon, Vice Chairman Hughes, and members of the Education Committee. My name is Jane Erdenberger, J-a-n-e E-r-d-e-n-b-e-r-g-e-r, and I am the president of the Board of Education for the Omaha Public Schools. Lisa Moody, a K-6 special education teacher at Jefferson Elementary in our district, was scheduled to testify today. Unfortunately, she is sick, so I was called into duty. She was excited to be here today to support LB408, as is the district. LB408 would provide Nebraska college students a forgivable loan. That loan would cover tuition or classes, allowing them to get a special education certificate. LB408 is a great idea because it will incentivize people to teach in Nebraska schools. Lisa would have taken advantage of it if it was an option when she attended college. Her parents are both educators. She earned her bachelor's in speech-language pathology education from UNO in 2009, and has a master's in special education and a master's in education, and is certified in early childhood and ESL. We are happy to report we've seen a slight uptick in the number of special education teachers in OPS schools. This is due in part to the work of our district and its collective bargaining partner, the Omaha Education Association, who

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have agreed to a 10% wage premium for special education teachers. Today, we have 24 more special education teachers than we did in August, but our shortage is still significant. With all due respect to Senator Dungan, we still have 85 special education teaching vacancies in the Omaha Public Schools. Which means, of course, we had more than 100 when school started. Because of the shortage at Jefferson, and with the help of many others, Lisa proposed a new hybrid inclusive education program. It mainstreamed special education students from the alternate curriculum program into general education classrooms. Special education students learn social skills in the classroom while also working on academics and life skills. We are proud to say that the program has now expanded to several schools throughout our district. Lisa also piloted a verbal behavior program, teaching colleagues instructional strategies that improved communication skills throughout our special education community. However, more must be done, and it is critical that we increase the pipeline of special education students. We want to leave you with a simple message: passing LB408 will encourage people to serve alongside Lisa in the future. She would welcome them as colleagues, serving the children we love. Anything you can do to encourage students to become teachers, especially special education teachers, will be really appreciated. We'd also like to thank Senator Dungan for introducing legis-- this legislation, and I ask that the committee please vote to advance LB408. Once again, this was to have been the testimony of Lisa Moody on behalf of the public-- Omaha Public Schools, however, I am thrilled to have been able to have the opportunity on her behalf, and I am happy to answer any questions you might have.

HUGHES: Thank you for coming in, Ms. Erdenberger, and thanks for representing Lisa. That was, that was kind of you to come in.

JANE ERDENBERGER: Happy to come in.

HUGHES: Questions for-- OK. Thank you.

JANE ERDENBERGER: Thank you.

HUGHES: Next proponent.

EDISON McDONALD: Hello. My name is Edison McDonald, E-d-i-s-o-n M-c-D-o-n-a-l-d. I'm here representing the Arc of Nebraska. We are Nebraska's largest membership organization representing people with intellectual and developmental disabilities and their families. Today, I'm here to testify in strong support of LB408, the Special Education Teacher Forgivable Loan Program. For years, Nebraska's schools have

struggled to recruit and retain special education teachers. This shortage directly impacts students with disabilities who rely on skilled educators to access the individualized instruction and supports necessary for their success. The lack of qualified special education teachers means larger caseloads, higher teacher burnout, and, most critically, diminished educational outcomes for students with disabilities. This shortage is not a short-term issue, and it is not a Nebraska-only issue. We know that over the last 20 years, this has continued to be an issue. As we look at a variety of areas where we've seen shortages-- just to give you an idea of the scope, according to the U.S. Department of Education Teacher Shortage Areas report, social science is at 5%; early childhood, 15%; health and physical education, 15%; librarian, 25%; electives, 40%. And then a whole bunch of other categories. Special education is at 100%. They have had significant vacancies over the last 20 years, which puts us as one of the states with the most significant needs for special education teachers. LB408 takes a proactive approach to solving this crisis by incentivizing individuals to pursue careers in special education by offering forgivable loans to students who commit to teaching special education in Nebraska. This bill creates a sustainable pipeline of educators dedicated to supporting our state's most vulnerable students. We believe that this pipeline has to be developed throughout all stages of the process, making sure that we are both keeping quality special educators and bringing in those new potential special educators from the beginning. At the Arc of Nebraska, we firmly believe that every child, regardless of ability, deserves access to high-quality education led by trained professionals who can meet their needs. Special education teachers are the backbone of inclusive education, and LB408 is a crucial step forward. A couple of issues I just wanted to address. To Senator Meyer's question regarding paras, there was a bill by Senator Walz, I believe, introduced last year, that looked to go and build that bridge from para to special education teacher that I think would be a critical step for us to take forward. And then, to Senator Conrad's question-- you know, I think we've talked about this in the past. I think it would be great to see an interim study really looking at that longer trend. As I said, special education shortages have been an issue for 20 years, and I think really building out a longer, comprehensive plan would be really fantastic. With that, we urge you to pass this bill forward. Any questions?

HUGHES: All right. Thank you, Mr. McDonald. Questions for him? Yes, go ahead, Senator Meyer.

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MEYER: I just have one. Thank you, Chair. Do we educate and then lose them to other states?

EDISON McDONALD: You know, I, I don't know-- I don't know enough to be able to provide you that, but I'm sure we do.

MEYER: I mean, based on perhaps pay, or, or whatever. Just--

EDISON McDONALD: I'm sure there, there's some other folks from administration who will be able to better answer that for you.

MEYER: OK. Thank you. Appreciate it.

HUGHES: Any other questions? I had one that just came to mind, and, and maybe you don't know, and, and maybe I can ask someone coming up. Do you-- so this is a nationwide issue. I mean, staffing is a nationwide issue for everything.

EDISON McDONALD: Mmhmm. Yeah.

HUGHES: But do you know of any other successful programs that other states have done that have seen an increase done with theirs-- you know, that have helped address this gap?

EDISON McDONALD: You know, I think-- and I've said it before to this committee. I think a couple of years ago, you guys really did a great job bringing together a comprehensive set of bills that covered a variety of those pieces. And, you know, I think this and some of the other bills that we're going to hear later today hit some of those pieces. But again, I think that, you know, maybe developing a larger package or some sort of interim study to say how do we address this and make sure that we can get out of this 20-year shortage would be a, a better approach.

HUGHES: OK. Thank you. Thanks for coming in. Next proponent.

PAUL TURMAN: Good afternoon.

HUGHES: Hello.

PAUL TURMAN: Vice Chair Hughes, members of the Education Committee, my name is Paul Turman. That's spelled P-a-u-l T-u-r-m-a-n. I'm the chancellor of the Nebraska State College system, here to ask for your support of LB408, certainly because of the impact it can have for our state colleges on the ability to serve this important area. Think I've had the opportunity to visit with the vast majority of the Education

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Committee members, and you understand our history; normal schools, teachers' colleges, and this is our primary kind of area of emphasis. Just a, a couple of points. I think-- really enjoyed the opportunity in fall of 2023 to work with Senator Duncan [SIC] on this bill, and there's a couple of different elements that I'll kind of reinforce. Certainly, some of the questions that have come-- when you look at it, I think the comment was 20 years of a shortage. This is actually one of those areas that has had 15 straight years of the Department of Education's data around critical shortage areas for the state of Nebraska. I think the one thing to reinforce is that, despite the fact that almost every area of teaching specialization in our state has a shortage, this is the one that has the longest-standing component. When we look at just the most recent data on the shortage survey that's completed by the department, this year that showed that they had 149 vacancies or unfilled positions at the start of the academic year, and that ends up being about 29% of all the vacancies and unfilled positions that districts have, if they reported in that survey. And, as the school year got underway, we had more than 50 positions that were completely vacant across all of those districts that reported. So, this continues to be-- whether it's a rural district, whether it's an urban district-- I think the testimony today reinforces this is a statewide issue that could be resolved. I think the state colleges are really vested in trying to make sure that we're providing the necessary pipeline. I'd like to report that we have about 1,600 students in our undergraduate population that are in some teacher education pathway. That represents about 28% of our freshman or entering classes that we have. We have about 279 that are in special education programs right now. Last year, we produced about 64 of those who have graduated, and the one thing about "are we losing them?" I think a lot of times, our resident students are the highest placement that we have is in teacher education. A year ago, 92% of our teacher education candidates, whether they were in special education, STEM fields, elementary education, stayed and worked in this state. That still leaves a, a gap, and I think to the senator's point, anything like a program like this, if that can help work to close that gap, can chip away at that, that significant number of vacancies that we have. I'll note that when we worked with the senator in fall of 2023, he weaved a number of the recommendations we had into the current draft of this bill, expanding it to the master's degree programs and adding in additional certifications. To your point, Senator Meyer, I think it's really important for you to think about how do we also add an endorsement. Would this-- someone who has-- and is working in a, a field, working in a school district-- to come back and do that endorsement-- I think the language, as it's written now

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could be clarified so that would not be restricted. But overall, I think this is a, a great solution; finding mechanisms to help kind of address the pipeline issue that we have, get more students interested, alleviating some of those financial barriers, and I would hope that you would be willing to support this piece of legislation. I'd be happy to answer any questions that you might have, from the committee.

HUGHES: Thank you. Questions for Mr. Turman? Yes, Mr. Meyer.

MEYER: Thank you.

HUGHES: Mr. Meyer. Senator Meyer.

MEYER: You can call me Glen. That's all right.

HUGHES: I can call you Glen?

MEYER: Thank you, Chairwoman. 1,600 students in ed, currently. That's just state colleges; that's not counting the UNL [SIC] system or anything?

PAUL TURMAN: That's correct.

MEYER: This is just state colleges?

PAUL TURMAN: Just state colleges.

MEYER: OK. Thank you.

HUGHES: So, I have one question. Can we track this in NSWERS?

PAUL TURMAN: Absolutely.

HUGHES: Great.

PAUL TURMAN: Yeah.

HUGHES: OK.

PAUL TURMAN: And I think that's-- one of the things that Dr. Hastings and his team have clearly showed, is that when you look at the employment gap, the pipeline itself, so 1,600 seems like a lot of students. But with that, with the university system, right now, we still are projecting that we're going to have a gap of about 30% to even fill that with placement numbers that are the highest for any other degree program we have. And so, I think our ability to leverage those and figure out-- in an interim study, I think you could bring

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the power of NSWERS to bear, to help address ways in which we can work more collaboratively together to solve the problems as well.

HUGHES: Very good. Yeah. Thank you. Thanks for your testimony.

PAUL TURMAN: Thank you.

HUGHES: Next proponent. Do we have any opponents? OK, none. Anyone in the neutral capacity? Nope. All right. Online, let me get my glasses out, we had 17 proponents, 2 opponents, and 0 in the neutral. And Senator Dungan, you may close.

DUNGAN: Thank you, Vice Chair Hughes, and members of the Education Committee. I guess, just to be brief, I want to thank everybody who came in and testified today. I think they provided a number of different perspectives that highlight the importance of this, both from the educator level, the administrative level, the school board level, the college level. This is a bill that I think works for everybody along the way. A couple of points I wanted to highlight or clarify, and I apologize I didn't have the numbers before. My understanding is that, from a 2024 study done by the Nebraska Department of Education, there's 669 open teacher vacancies; 150 of those are special education. So, my understanding is there's a pretty wide gap, and there's quite a bit that we need to ensure we're filling. Senator Meyer, I thought you asked a lot of really, really good questions. And to highlight or underscore one of your points about "are we losing these folks elsewhere?" Part of the intention of this bill was not just to give a loan to people to go into special education; it's specifically designed to keep them here. That's where that five-year lookback or that five-year requirement, where they gets forgiven at a 20% per-year comes from, is this concept that we don't just want to educate people here, we want to keep them here. I am one of the fortunate people who was born and raised here in Lincoln and then left for a little while, but came back. I know how great it is to come back home, but I also know not a lot of people do that when they're in their early 20s and they move away. So, we want to keep people here. And I think that's part of the, the goal of this bill, is to keep our amazing teachers in this state. Certainly, I think this is one piece of the puzzle. This doesn't solve the problem. I think there's a lot of other bills that can be heard today, a lot of bills that you've heard previously that address the issue, but this is my effort to try to do something with regards to special education. It's near and dear to my heart, it's near and dear to everybody's heart in some capacity. We're all affected by this, this issue. And so, it's very important we do something. I'm happy to work with members of the

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committee to look at amendments to make sure we include certain populations. I'm happy to work with stakeholders at the university system or the state college system to make sure this works for them. But we got to do something, and I think this is just one piece of that puzzle that I'm happy to try to be a part of. So, with that, appreciate your time and attention here today. I'm happy to answer any other questions you might have.

HUGHES: Any questions for Senator Dungan? Oh, yes. Senator Lonowski.

LONOWSKI: Thank you, Chair. Senator Dungan, thanks for bringing this. Appreciate it. I would, I would think it would be better to say a set amount than a-- than 20%, for a couple of reasons. Would a-- if a kid has a Pell Grant, or if a kid got three-fourths tuition because of the National Guard or something, and his, his loan is going to be way smaller, so he's reaping less of the benefit, if he would. So, I don't know, I would, would rather see if it were, like, a certain amount. I don't know what that is, if it's \$10,000 or \$20,000, or somewhere in between, I don't know. But to me, that would just be more equitable with the, with the number you're going to give.

DUNGAN: Sure. And, and I'm happy to look at that and kind of figure out if there's a better way to do that. I think if the goal is to ensure that we're providing as many students as possible the opportunity to go into special education and we're seeking to achieve that same goal, we can talk about the best way to do that.

LONOWSKI: OK.

DUNGAN: I think this was done out of ease to the universities and to the Nebraska Department of Education with regards to making those calculations. But certainly, if somebody is only receiving \$3,000 and that counts as one of those 25, whereas somebody else could be receiving a larger amount, I would want to make sure we're being as equitable as possible too, so. We can work together on that, and, you know, I'll talk to some other folks who I, I worked with on this, and see if they think that works, and if they can identify any pitfalls to that. Then--

LONOWSKI: OK.

DUNGAN: I'm sure that they would be able to help us, too. But yeah, we'll, we'll keep looking at options.

LONOWSKI: Thank you.

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HUGHES: Very good. Other questions? All right. Thank you for bringing this.

DUNGAN: Thank you.

HUGHES: All right. That concludes LB408. We are now going to proceed with LB598. And I know Senator DeBoer is not feeling well and is not going to be able to be here.

BRIAN MURRAY: And-- yes, and in another committee as well.

HUGHES: And another bill.

BRIAN MURRAY: Yup.

HUGHES: It's just a big bill week for her.

BRIAN MURRAY: Yup.

HUGHES: Perfect timing.

BRIAN MURRAY: Four-- two-- two yesterday, two today. No-- none more the rest of the week, though. So, that's a little bit calmer.

HUGHES: All right. LB598, please.

BRIAN MURRAY: Good afternoon, Vice Chair Hughes, members of the Education Committee. My name is Brian Murray, B-r-i-a-n M-u-r-r-a-y, and I'm Senator Wendy DeBoer's legislative aide. She is regretfully in the Transportation and Telecommunications Committee with another one of our bills today; cannot be here today. So today, I'm pretending to be her. Senator DeBoer represents the beautiful Legislative District 10 in beautiful northwest Omaha. Beautiful twice, because it's just that great of a district. Here before you today to introduce LB598. As there are conversations that continue about education funding and what the future looks like, Senator DeBoer introduced LB598 to highlight some specific issues which speak to our desire to provide high-quality education for our students, and the funding challenges that exist in these areas. And Senator Conrad, you had a question earlier, I believe, about what can be done to help frontline teachers. It is our hope that some of the provisions of this bill-- it is Senator DeBoer's hope that these are policies that we can institute here, that are going to be able to provide that aid. Two years ago, in 2023, Senator DeBoer was in front of this committee with LB153 to establish a fund to school districts-- to establish a fund for school districts who are facing extraordinary and unexpected increases in special education

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expenditures. This committee included LB5-- LB153 in its committee priority that year, and it passed as a part of LB705. Before them, a school district's increase in special education expenditures would not be reimbursed until the following school year. That changed with the passage of that bill, which then allowed a school to submit expenses during the school year in which they were facing the increase to receive the reimbursement from the Education Future Fund. The first section of today's bill, LB598, is very similar to tho-- that-- to that previous effort, except this time, it is focused on extraordinary unexpected increases in expenses related to link-- limited English proficiency, or LEP students. As the fiscal note indicates, this would be first in terms of a dedicated source of funding for LEP students outside of adjustments that are made in our TEEOSA formula. We know that there are extra expenses that come from working with the student population, and a model like the one outlined in LB598 will help school districts manage these expenses and not require them to look to property taxes as their only vehicle to handle these extraordinary and unexpected increases in expenditures. The second component of this bill is in Section 2, and deals with plan time for elementary school teachers. Plan time generally first to dedicated time during school hours in which teachers can work without students around. Teachers use this time to make lesson plans for the days ahead, adjust lesson plans for the rest of the day, grade homework or papers, and generally do the parts of the job of teaching which are essential but do not directly involve teaching students. LB598 seeks to incentivize school districts to offer 60 minutes of plan time in their elementary schools by offering a needs adjustment in their TEEOSA calculation. If they provide the 60 minutes of plan time at their elementary schools, the district will have more needs indicated, and thus would be eligible for more state aid. A school district is not penalized for not offering the 60 minutes of plan time, but rather, we are saying that we believe that school districts should offer this amount of plan time, and here's some funding to ensure that they are able to make that happen. The last major piece of this bill is in Section 9, and deals with school districts following plans related for compliance with Section 504 of the Federal Rehabilitation of 19-- Rehabilitation Act of 1973; these are commonly referred to as 504 plans. This committee is well aware of individualized education programs as required by the Federal Individuals with Disabilities Education Act, or IDEA. If a student has a disability which meets the requirements as laid out in IDEA, school districts need to create, maintain, follow and update their students' individualized education program as they progress through their school years. The Rehabilitation Act of 1973, similar to IDEA, provides for-- provides for support for students with

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disabilities by mandating reasonable accommodations be provided to all students, regardless of disability. Children with a disability who do not qualify for special education services under ID-- under IDEA may still qualify for a reasonable accommodation under Section 504, and would thus have a 504 plan. A 504 plan could be as simple as allowing for more absences during a school year as a reasonable accommodation for a child with cancer, but it could-- and often does-- involve the hiring of sign language interpreter to assist a child, expenses related to the production, production of, of Braille materials, or more of the like. LB598 provides for reimbursement to be provided to school districts which face costs attributable to compliance with a 504 plan. Currently, there's no funding for compliance with Section 504, and there's actually a federal punishment if you do not comply with 504 will you'll-- where you will lose all of your special education funding. So, Senator DeBoer believes that perhaps we should step in, assist schools providing these services to cover these extra expenses, and she certainly stands by the idea of what 50 [SIC] plans represent, is to provide that re-- and-- of what those plans represent, and to provide reimbursement to the schools to, to assist their compliance. You'll hear from teachers after, after me who have experience working in these areas with these students. I want to thank them for taking the time to come in to testify about what challenges they are faced in the classroom, and what policy changes could be made that could help our frontline teachers the most. With that, I am happy to answer any questions, though I am but a staffer.

HUGHES: Go ahead, Senator Lonowski.

LONOWSKI: Thank you, Chair.

HUGHES: Typically-- I should say. It's all right. Typically, the staffer presents a bill. We don't answer questions, or is that--

SANDERS: Don't ask questions.

LONOWSKI: OK. This is just a question to write down for Senator DeBoer.

BRIAN MURRAY: Will do, Senator.

LONOWSKI: So, you're requesting-- or she's requesting one hour of planning time. I'd rather that that said one class period, just because that could be 50 minutes or 46 minutes. But you're only-- you're not taking a teacher out for two periods. Just a suggestion, I guess. Thank you.

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BRIAN MURRAY: OK. Noted suggestion, Senator. I'll speak with Senator DeBoer and get an answer to you.

LONOWSKI: Thank you.

HUGHES: Thank you, Mr. Murray. All right. First proponent for LB598. Go ahead.

LEE PEREZ: Hello, good afternoon. My name is Lee Perez, L-e-e P-e-r-e-z, and I'm speaking on the English language-- English language learner component of LB598. I am an ESL teacher for the Omaha Public Schools District. I have been teaching English language learners-- ELLs-- for my entire 18-year career with the OPS school district. Today, I'm going to give testimony as to why I believe LB598 would be beneficial to all Nebraska ELL student populations. Nebraska's ELL populations, like those throughout the United States, are growing rapidly each year. In April of 2024, Nebraska had over 26,000 ELLs enrolled in school districts all over the state. This compromises [SIC] 8% of the total student population of all Nebraska public school students. Therefore, all Nebraska school districts will need sufficient financial resources allocated to support ELLs' academic and language needs daily. LB598 would help provide specific funding to assist districts with creating plans of action to support this rapidly growing student demographic. These funds could aid with teacher training, ESL professional development, additional support systems like tutoring, and purchasing up-to-date language curriculum. In my professional experience, when all these things are in place, our ELL students thrive both linguistically and academically. I have worked at schools where funding was appropriately allocated to ELLs; the results were that student achievement and test scores showed significant improvement and gains. Research shows that when ESL programs are funded properly, then there are positive correlations with overall academic achievement. LB598 would greatly benefit rural Nebraska school districts whose ELL populations are growing, but their funding and resources in this area is lacking. These funds would be extremely useful to those districts to help their ELLs receive an academically rigorous education. Moreover, these funds could be used to enhance teacher professional development in the area of second language acquisition, and multilingual learners in mainstream classrooms. Unfortunately, a lack of ESL training and experience with ELL students is the biggest issue I see with content area teachers in the state of Nebraska, currently. I encourage you to support LB598. Thank you, and I am happy to respond to any questions that you may have.

HUGHES: Thank you for coming in, Mr. Perez.

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LEE PEREZ: Yes.

HUGHES: Questions? No? All right. You got off easy. Thank you.

LEE PEREZ: OK. Thanks.

HUGHES: Next proponent.

KATIE CAMERON: Hello. My name is Katie Cameron, K-a-t-i-e C-a-m-e-r-o-n, and I'm a school counselor at Benson High School in Omaha Public Schools. I'm also a proud member of both the Nebraska School Counselor Association and the Nebraska State Education Association, and I'm a parent of two students with 504 plans. Benson has an enrollment of about 1,300 students, with six counselors to support them. As part of our role in Omaha Public Schools, we are all 504 coordinators, a responsibility assigned to, to us a few years ago. This year alone, Benson has 62 students with 504 plans. Our freshman counselor manages 20 of those cases, and has already spent a minimum of two hours coordinating each one. In fact, one of those cases took over four hours due to the unique circumstances of a student in foster care who required lawyers at the 504 meeting. When you add up that time he spent, it's over a full work week dedicated to just coordinating 504 plans. And we're only halfway through the school year. This situation isn't unique to Benson; in many Nebraska schools, coordinating 504 plans falls on the shoulders of counselors, and what my colleagues is experiencing is the norm. The job of coordinating 504 plans is incredibly detailed. We manage the referrals, organize the 504 team, gather documentation from parents, teachers and administrators, evaluate the student's needs, and create a plan with appropriate accommodations. After the plan is developed, we determine it to teachers, and are responsible for annual reviews. We also ensure the plan follows students as they progress to the next grade, school, or post-secondary program. To stay current, we attend annual training sessions, though in the past two years, we've been provided just four hours of training total. For many counselors, this is the extent of our preparation to handle such an important legal process. Through my work on the executive team for the Nebraska School Counselor Association, I've had conversations with counselors across the state about their experience with 504 coordination. The concerns they've shared are telling. School counselor training programs don't cover special education or Section 504, so counselors often lack the expertise to oversee such a critical legal document. When I asked some of my colleagues where they source accommodations for 504 plans, they all said "Google." This is far from an ideal professional method of research. Just imagine if doctors Googled diagnoses and treatments.

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The 504 process itself is unclear. Unlike IEPs, there are no straightforward guidelines, which leads to inconsistency in how 504 plans are completed. Coordinating 504 plans takes up so much of our time, it's hard to make ourselves available for crisis response and direct support for students' mental health needs. The time spent managing these plans also reduces the time we can spend working face-to-face with our students. Acting as an-- the enforcer of the 504 plan often puts us in a role that can strain relationships with teachers; it's not our role to manage or enforce administrative tasks. It also can strain relationships with students and parents. And when parents challenge a 504 plan, the counselor responsible for coordination can even be subpoenaed and held personally liable. While school counselors play a key role in the 504 referral process and should advocate for students throughout, it's simply not appropriate for us, for us to bear the full responsibility of coordinating these plans. LB598 would help us provide funding for districts to hire dedicated, qualified staff to handle this essential work, ensuring that students receive equitable service. By having at least one building-level coordinator, schools would benefit them-- from more consistent documentation, clearer processes, and improved accommodations for students across all levels. Thank you.

HUGHES: Do you want me to finish? OK. I'll finish it up. Thank you for coming in, Ms. Cameron. Do we have questions for her? I just have one.

KATIE CAMERON: OK.

HUGHES: Sorry. Who-- I guess, who normally should do the 504 plan?

KATIE CAMERON: So, in the past, it's been an administrator, a staff member. Oftentimes it's one person in the building. They'd be the person who also manages the SAT meetings. And in the past-- and I can't speak for all districts, but they have been paid positions in our, in our district.

HUGHES: OK. Thank you for that clarification. All right. Thank you for coming in.

KATIE CAMERON: Thank you.

HUGHES: Next proponent. Hello. She's from District 24. Go ahead.

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 Educator [SIC] Association. We are a C-1 size school district, and I'm the only

school counselor in our building of 400 students. Within the duties of my school counseling position, I am also the 504 coordinator, with the assistance of our school psychologist who travels three buildings. She is in our building one day a week. We have 36 504 students in our building. She also adds more when she goes to the other two buildings. With all her duties as the school psychologist and myself as a school counselor, funding to provide a dedicated 504 coordinator case manager in our Nebraska schools is absolutely necessary. An effective 504 process helps remove barriers for student learning and achievement for students who have physical or mental impairment that substantially limits one or more major life activities, such as learning, seeing, hearing, walking or speaking, meaning their disability an impact-- impacts their ability to access education in a typical classroom setting. Excuse me. This could include conditions like ADHD, dyslexia, anxiety, chronic illness, vision impairments, or hearing problems. The list is long, but not fully inclusive of all the possible impairments that must be evaluated. Having a separate 504 coordinator who can dedicate their time to developing, implementing, monitoring, coordinating and managing 504 plans, this ensures students receive appropriate amount of attention. Between the mental health, physical health and academic needs of the students, a great deal of time is spent helping them manage the school day. These students-- the needs continue to rise. Within the last week, I have received additional requests for 504 student plans. The number will only continue to grow. As a school counselor, I support all students, including students with disabilities. School counselors are members of the IEP team, with the responsibility of the school counselor to advocate for students with the disabilities, encourage family involvement, and collaborate with other professionals. Being responsible for developing, implementing, monitoring, coordinating, and managing 504 plans can conflict with the role of school counselor. First, the time spent to ensure 504 plans are managed reduces the amount of time available for all students. Second, if school counselors are deciding what a-- support a student receives, it is more difficult to build that student-counselor relationship. Third, evaluating the 504 plan implementation can damage relationships with staff. Since my role is supposed to be collaborative, it becomes evaluative, as I am ensuring that all parts of the plan are implemented within the classroom. With such an important role, it is imperative that schools have funding to hire coordinators/case managers at the school level. These coordinators/case managers should have the specific training in writing accommodations, be trained in and knowledgeable about the IDEA and OCR, and be able to consistently implement not only the writing of the plans, but also act as a diligent manager of the plans, including

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in the classrooms within requesting testing accommodations, and when-- in helping students in transition between high school and college. We believe the school counselor's role is to serve and advocate for all students, and when tasked with coordination and management of Section 504, students fall through the cracks. It is without question that providing funding to Nebraska schools to help support the sections with 504 disabilities is absolutely necessary. These impairments are no less important than those of students with disabilities who are financially supported through the IDEA.

HUGHES: All right. Thank you. Do we have questions for Ms. Osten? Nope. OK. Thanks for coming in. Appreciate it. Next proponent. OK. Do we have any opponents? And anybody in the neutral? All right. Did you want to come back up, Brian Murray? And then, just for the-- online, we had 10-- oh, they're not supposed to close? Are you supposed to waive? OK. He's supposed to waive. Thank you. We had 10 proponents online, 0 opponents, and 0 neutral. So, thank you, and that concludes LB598. And our chair is back, so I'll turn over the microphone to him. And we're on--

MURMAN: OK. Thank you.

HUGHES: --LB589. Oh, that's not confusing. LB598 followed by LB589. Come on, now. Who scheduled those in a row?

MURMAN: We will open the hearing on LB589.

CONRAD: Hello. Good afternoon, Chair Murman, members of the Education Committee. My name's Danielle Conrad, it's D-a-n-i-e-l-l-e, Conrad, C-o-n-r-a-d. I'm here today representing north Lincoln in the Nebraska Legislature, and here today to introduce LB589. So, the purpose of LB589 is to ensure that special education teachers have the necessary time and resources they need to complete essential documentation required for managing and supporting students with special needs. To do this, LB589 would require school districts to provide for four days of professional leave on-site per year so that special education staff, supported by reimbursable substitute service costs, could help them to have a little bit of time during the school day to catch up with all of the paperwork and documentation that is a part of their everyday job. So, the way that this bill came to fruition was really based upon some threads and trends that you've already heard about here today. So, we know, for example, that Nebraska has an extraordinary crisis when it comes to teacher vacancies and teacher shortages. And perhaps that shortage is most acute and most exigent when it comes to special education teachers in-- really all across the

state. So, we've seen these-- we-- these statistics year over year over year. And then actually, in the last biennium, thanks to Chair Murman's leadership, we were able to host interim studies to actually learn more about-- particularly, special education services lacking in OPS, our state's largest school district, and what that meant for a lot of kids who weren't able to access services and who were getting notice, like, at the very last minute. And then, parents had to make really tough choices about optioning into other districts or other schools, and particularly parents that lacked a lot of resources to come up with transportation or otherwise. So, through the course of that interim study, what we got to do was to also learn about what wasn't working and what was working in various districts. And you heard from our friends at OPS today, due in part to really hard-- really thoughtful negotiations, rather, that happened between OPS management and OPS employees and teachers; they recognized that they needed-- that, that really time was of the essence, and they needed to come together as quickly as possible to figure out how to address this lack of special education services in Omaha in particular. And they really approached it with a multifaceted approach, but two of the key components that they brought forward that you've already heard about was essentially, like, a bonus pay, or extra compensation for special education teachers kind of written into the contract. And one other area that they were able to test out was getting some additional time for special education teachers to tackle the paperwork during the school day, and to provide a substitute to cover the, the regular class responsibilities while the special education teacher caught up. Because otherwise, with ever-increasing class sizes and ever-increasing documentation demands, what we're seeing is not only our special ed teachers putting their heart and soul in all day, every day in the classroom, then they're also working well past the school-- end of the school day, into the evenings, into the weekends, on the holidays, trying to catch up with the paperwork. And I know all teachers are very, very dedicated, and in many instances work beyond the school day to grade papers, or put together lesson plans, or update the bulletin boards, or whatever it might be. And I'm looking at you, Senator Lonowski. I'm sure you spent many evenings and weekends at the school in addition to, to the regular workday. And my mom was a teacher, and so I know, I know exactly how that, that hits in the family perspective. But really recognizing that we have, in addition to money, another solution on the table to try and figure out how we can provide support to special education teachers so that we can really retain what we have and provide more recruitment incentives to get people to stay on the front lines of education by just providing a little bit of breathing room for them to catch up on the

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documentation during the day. So, I know there's other folks here that are going to talk about their workload, and about how these strategies have worked in their district. I know that the proposal has triggered a fiscal note in regards to the timing and amount that the state would be on the hook for in regards to how we collaboratively pay for special education services, particularly after we made significant historic investments in the last biennium. So, \$7 million is, is definitely a significant fiscal note, but I think it's probably a, a pretty smart investment for us to make, recognizing the, the exigency of this, this situation and our obligation, both legally and morally, to ensure that special education kids are, are getting access to a good education. So, I'll leave it there, and be happy to answer questions.

MURMAN: Thank you. Any questions? Senator Hughes.

HUGHES: Yes. Thank you, Chair Murman. OK, so I'm just trying to wrap my head around, like, how this would work. So, if I'm a special ed-- education teacher, is it something that-- like, it'd be kind of like, oh my gosh, I just came up to this case that I've got a lot of documentation for, so I would ask my administration, like, "Hey, tomorrow, could I have a half-day sub to get caught up?" And then, and then hopefully they would put that in, and then that sub would be there, I would catch up on my case load. It-- I mean, it's-- so it's kind of like as it hits during the year, I'm assuming?

CONRAD: Yeah. And thank you, Senator Hughes. I, I really appreciate the question in terms of practical implementation. I don't think that's delineated in the bill, and those kinds of details--

HUGHES: Right.

CONRAD: --would be left up to the individual--

HUGHES: Sure.

CONRAD: --school district. But I did note in some of the online comments that came in, for example, some special education teachers were noting that if they could get these documentation days on the books, or on their calendar, then they could kind of--

HUGHES: So they could kind of save the paperwork for that time.

CONRAD: They could plan ahead, in terms of how their workflow might play out in a quarter or a semester, or over the course of the year. But I think that probably, the special education documentation

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probably hits in a couple of different ways. One, if you're, you know, onboarding a bunch of new kids, or you have some new diagnoses, or there is a significant happening, but of course, the ongoing documentation requirements as well. So, the details on implementation are not here, but-- and maybe some of the folks that are on the front lines can provide more perspective that way.

HUGHES: And-- if I may.

CONRAD: Yeah.

MURMAN: Sure.

HUGHES: So, how-- are there other schools that are doing some of this just on their own, that you know of?

CONRAD: I-- I'm-- thank you, Senator Hughes. I'm not aware--

HUGHES: OK.

CONRAD: --of how this is playing out in other districts. I know that it has been a beneficial model in OPS.

HUGHES: So, OPS has been doing something similar?

CONRAD: Yes.

HUGHES: OK. And then, just one more question. Sorry.

CONRAD: Sure. Please.

HUGHES: Then, that school district would then submit, at the end of the year, those days to the NDE, they'd get reimbursement, and-- maybe I'm not reading close enough.

CONRAD: No, I think that's exactly right, Senator Hughes.

HUGHES: OK.

CONRAD: So, this bill--

HUGHES: And would it come out of that special ed fund that we've established for--

CONRAD: That's right.

HUGHES: Yeah. OK.

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CONRAD: Yeah, that's exactly right.

HUGHES: Thank you.

CONRAD: So, with the historic investment in special education, that was part of our work together in the last biennium with Governor Pillen, it kind of changed overall how we pay for special ed, and when--

HUGHES: Yup.

CONRAD: --and how much. And so, what LB2-- LB589 does, is it just includes an additional reimbursable provision for the substitute time dedicated to--

HUGHES: So, 80% [INAUDIBLE]

CONRAD: --documentation. Yeah. So, the fiscal note is in regards to our component that we would have on the state level, on the 80/20 split.

HUGHES: And then, I'm with you. The, the \$7 million is-- I mean, we're already looking at that, and I know special ed costs, I think, are higher than what was kind of projected, and so--

CONRAD: Yeah.

HUGHES: --to squeeze this in there is already work. But, you know, it's money. OK. I'm through.

CONRAD: Yeah. I appreciate that. Thanks.

MURMAN: Any other questions for Senator Conrad? Senator Meyer.

MEYER: Thank you, Chairman Murman. Just for clarification, when I read it-- initially, when I was looking through it, I, I spent some time over noon, kind of--

CONRAD: Yeah.

MEYER: --looking through all the bills and everything, just getting me familiar. Four days of professional leave indicates to me that that's, like, for continuing education or something. But this is essentially on-site,--

CONRAD: That's right.

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MEYER: --just catching up on paperwork. But the terminology, four days of professional leave-- you're not leaving.

CONRAD: Yes, that's true. That's a very, very good point, Senator Meyer. And if there's a better way to characterize the leave-- it, it's not meant to be a vacation or an absence;

MEYER: Sure.

CONRAD: It's actually-- it's just additional space to work. Exactly right.

MEYER: I, I thought I-- you know, professional day to-- continuing education or something,--

CONRAD: Right.

MEYER: --but in reading through it, it's clear. Just, just for my clarification,--

CONRAD: Yes.

MEYER: --I, I appreciate that. Thank you.

CONRAD: Very good. Thank you.

MURMAN: Any other questions? Senator Lonowski.

LONOWSKI: Thank you, Chair. Thank you for bringing this bill. So, OPS is doing this now?

CONRAD: It's my understanding, yes.

LONOWSKI: Do you know-- are they just, like, taking it out of HIDE [PHONETIC]? Or, like, the superintendent's just granting them a work day? Do you know?

CONRAD: I-- I'm not exactly sure, but I-- my assessment, I believe, is that they're just figuring out with existing resources and existing contract negotiations and other provisions kind of how to--

LONOWSKI: OK.

CONRAD: --relieve some of the documentation burdens.

LONOWSKI: OK. Thanks.

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

CONRAD: Thanks.

MURMAN: And-- proponents for LB589.

MEGAN ANDREWS: Hello, my name is Megan, M-e-g-a-n; last name Andrews, A-n-d-r-e-w-s. I've been a secondary special education teacher and case manager in the state of Nebraska for 27 years. Thank you for allowing me to share with you my reasons for strongly supporting LB589. First and foremost, I truly love what I do. I decided to pursue a career in education to help students, and to work with families to support student success. I take great pride in what I do, and truly live for the "aha!" moments, when a student finally understands a concept and it clicks. Those are the reasons I teach. Special education case management has changed drastically in the last quarter century. The regulations placed on us by the state are numerous, and all of them require some sort of form or documentation. I must hold 15 to 20 individual IE-- IEP meetings per year, as one is required every year per NDE Rule 51. I then attend the meetings of the other 30 or so special education students that I have in my classrooms; I must convene a team and create paperwork any time a-- any time a student is suspended for a long term. We are required to do progress reports four times a year on every goal for every student on our caseload, which means reaching out to teachers to assess growth in reading, math, writing, behavior, vision, hearing, orthopedic needs, et cetera. I've been told to do this every other week with every goal all year, while rotating teachers so as not to burn out our general education teachers. I make grade checks every two weeks, and then contact, contact teachers, and make parents-- contact parents via email to see how to best help students that are struggling. When students move into the district or state, I must then hold another transfer paperwork. If a student is from out of state, I must then hold another meeting in 60 days to determine if they still qualify to receive services according to Nebraska standards. I must also hold an IEP any time a parent requests it, as many times as they would like. Sometimes-- somewhere in there, I do get to teach. I have two sections of geometry, two sections of algebra, and one section of personal finance that I co-teach. I assist with planning and implementing notes, activities, homework, and tests; I modify tests as needed for the students who will academically struggle with the rigor of our new curriculum; I grade papers, make copies, contact home, and have discussions with colleagues on how to best prepare our students for upcoming lessons. I love teaching. I work with the most amazing group of teachers. These people will stop at nothing to make lessons amazing, and make learning

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happen. We spend our personal time, our resources, our money and our hearts making sure that our students have the best education possible. However, I often have a choice to make. Do I spend my plan time working on progress reports, grade checks, goal checks, setting up IEPs, writing IEPs? Or, do I call students in to work with them, to improve their learning and their grades when they have a study hall? Do I save it for a weekend, when I can carve out four to five hours of uninterrupted time and just get as much paperwork done as I can? When I started teaching in 1998, I envisioned myself teaching until my early 60s. I now know that with the paperwork load I have-- knowing it will only grow with time-- that I will leave the profession in four years when I qualify for the rule of 85. I love my job. I take great pride in knowing that students leave my classes, saying things like "I finally understand math," or "You're the first teacher that really listened to me." I appreciate you taking the time to listen to me and the other educators test-- testifying today. Nebraskans have the best educational system, yet we are burning out our teachers. Thank you for listening to me. And on a side note, I'm kind of excited for a snow day tomorrow, because that will be my paperwork day. That will be eight hours of uninterrupted work time.

MURMAN: Thank you very much. Any questions for Megan Meyers [SIC]? Yes, Senator Hunt.

HUNT: Thank you, Mr. Chair. Thanks for being here today. What, what school are you with? What school district? Where do you teach?

MEGAN ANDREWS: I teach with Millard Public Schools at Millard South High School. I've been there for 24 years.

HUNT: OK. Thank you.

MURMAN: Any other questions? If not, appreciate your service.

MEGAN ANDREWS: OK. Thank you.

MURMAN: Thank you very well-- very much. Any other proponents for LB589?

MELISSA BURKE: Hi, my name is Melissa Burke. M-e-l-i-s-s-a B-u-r-k-e. I am an elementary special education teacher in the Hastings Public School District, and have been teaching special education for the past 20 years. I love helping students. I love teaching. And-- it's my passion, and it's the only type of teaching I've ever done, is special ed. There is not enough time in the school day to complete all the paperwork that's required by my district and federal guidelines. I'm

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at school until 7 p.m. three days a week, and 6:00 the other two. Otherwise, if I had shortened weekday hours, I would have to take work, work home, and spend my weekends completing paperwork. We just had a day off this past Friday during which I spent the time-- as well as parts of the day on Saturday and Sunday-- completing paperwork. I'm still not caught up. The focus seems to have shifted from developing an IEP to meet a student's specific needs to completing paperwork in such a way that it's lawsuit-proof. When I began my career 20 years ago, the paperwork seemed manageable. Now, there are more forms to complete and guidelines to follow. Our district has a new form that asks parents whether they would like to begin services immediately, or take a few days to think about it. It asks parents to confirm for a second or third time that they've been offered a copy of their parental rights in special education, and that they understand the content of the IEP. I have yet to hold a meeting where the parents request time to think about when they want their students to start receiving extra help. Usually, it's like, "today." My school has a high percentage of students who live in poverty. Their emotional and educational needs are more important to me than paperwork, and I want to spend my time teaching and supporting them. If that means that e-- that I either work late every day or work on the weekends, then I will do that. However, I would be grateful if you would support and pass LB589 to help compensate me and the other special education teachers for at least some of the time we spend outside of contracted hours completing compliance paperwork. And another situation that has impacted my ability to complete all the paperwork is a new way that we are serving kids who require modified curriculum. So, in our district, every building except my building has a specific room and specific teacher who has two to three paras and five to seven, maybe eight kids. And our building, as they go through our grade level that we serve, we are their skills teachers. So, on top of a regular caseload-- where the other ones just have their five or eight kids-- I have one para who's amazing, and I have a caseload of 20, three of which are high-needs kids that need modified curriculum. So, every other building has a skills teacher. For the first time this year, the district gave an extra stipend of \$11,000 to skills teachers. The three SPED teachers in my building had to split the \$11,000 three ways, even though one of our SPED teachers in our building has more skills kids on her caseload than most of the full-time skills teachers who also have multiple paras. And the full-time skills teachers have two to three paras to assist; I have three students who require a modified curriculum and 17 other students. I have one 100 minutes less time without students, and I have one para. So, students-- let's see-- these are my notes I added after. Teachers who have an average of 15

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kids; my students are spread out over six rooms, and there's 20 of them. So.

MURMAN: Thank you. Any questions for Ms. Burke? Yes, Senator Lonowski.

LONOWSKI: Thank you, Chair, and thank you, Melissa, for being here, and--

MELISSA BURKE: Yeah.

LONOWSKI: I loved teaching your kids. Just want you to know that. They were good Spanish teachers. I'm trying to think outside the box here. So, would it help if you were relieved from in-services, or does that already happen? A lot of in-services are kind of geared toward the regular classroom teachers, so I'm, I'm--

MELISSA BURKE: Right.

LONOWSKI: --just trying to think if there's other ways to find time for special ed teachers.

MELISSA BURKE: Well, for me, particularly this year, it's been a lot, because the kids need different curriculum-- I have a student with vision issues, I have to enlarge everything; I have another student, he's not potty trained, he doesn't know the letters of the alphabet. I mean, it just takes so much time. You have to make things, you-- you know, to laminate, to have them practice--

LONOWSKI: Yeah.

MELISSA BURKE: --at their level. So, it's all these, you know, wide range of levels that kids are functioning at.

LONOWSKI: Do you think the, the caseload has gone up by necessity over the years?

MELISSA BURKE: Well, I think in our building, Lincoln School, I think it will always be high because it's high-poverty. So, you know-- I mean, at one time I had a caseload of 34 students, and that was-- you know, you're just doing paperwork. But in this building, we have-- you know, we have three resource teachers, so the caseloads are OK, it's just the added work and everything that it takes to include a skills program within a regular SPED program. And then, to see everybody else be compensated for that, but we're doing the same thing; we're doing two jobs, and we're not compensated, and neither are our paras. They

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don't get extra money for, you know, changing diapers and all that kind of stuff. So.

LONOWSKI: OK.

MURMAN: Any other questions for Ms. Burke? Yes, Senator Hunt-- or, excuse me, Hughes.

HUGHES: That's all right. Thank you, Chair Murman. Thanks for coming in, Ms. Burke. So, like, listening to this, I just think of-- I think we're seeing this in any government body or whatever, is a lot of paperwork, a lot of time spent. I saw it when I was on school board, some of the reports that had to come out back to the NDE that I felt, like, well, when we're doing that report, we're not teaching kids. Do you feel-- I mean, just if you can, off the cuff, what percent is a federal requirement? What percent is just your district requirement or our state requirement? And then, it leads me to think, is there a way that, that we can limit some of that, or eliminate some of that that doesn't make sense? So that you can get back to doing-- because what-- you're there to help the kids, and not--

MELISSA BURKE: Right.

HUGHES: --fill out paperwork. And, and I think you alluded to something when you said that you're-- it's filling out paperwork to prevent a lawsuit, and I think that's just a problem in the United States as a whole. That's how we-- everything is to prevent a lawsuit, unfortunately. Anyway, any thoughts on that? And, and I'm not-- I don't know where I'm going with this, but--

MELISSA BURKE: Well--

HUGHES: It's frustrating.

MELISSA BURKE: It is frustrating. But I think, you know, some of the paperwork could be maybe used-- OK, so, yes, there have been peop-- parents I know that have threatened to sue, are suing, I'm not sure. But that paper for them would be great. But then to have to apply it to all these other people that just look at me like I'm crazy when I'm saying, "When do you want this to start?" And asking them again the two questions I've already asked them two or three times throughout the meeting. I think that could be eliminated, and just applied strategically to certain parents that you know are, you know, prone to threatening lawsuits.

HUGHES: Yeah.

MELISSA BURKE: So, the reason I stay-- I mean, I don't have kids at home anymore, so I can stay late. But I feel myself burning out, and I am close to being able to retire. And I really hadn't planned on retiring, but I just, I just don't know how much more I can do this, and--

HUGHES: I think it goes back to-- again, you went into this profession to help kids.

MELISSA BURKE: Right.

HUGHES: And when you're doing some of this paperwork stuff, you feel like that's, that's not what you went into for, because that's not what your goal was. And I, I don't think it's just your job in particular, I think it can cross--

MELISSA BURKE: Right.

HUGHES: --onto a lot of jobs, but it's really unfortunate.

MELISSA BURKE: I know, because all-- you know, teachers, they all have a lot of paperwork, but I added up what time they have without students compared to what time I have without students, and I have 100 minutes less than they do. And I have kids spread over six rooms, so it's just more complicated.

HUGHES: Right.

MELISSA BURKE: And, you know, the whole being singled out as our building, we are their skills teachers, because now they're everybody's going to home school, then to be singled out that you don't get this, you-- you're serving these kids as a skills teacher. You come to all these skills meetings, and-- but you don't get this stipend.

HUGHES: No.

MELISSA BURKE: It's demoralizing and it's discouraging.

HUGHES: Well, I appreciate you coming in. Thank you.

MELISSA BURKE: Thank you.

MURMAN: Thank you. Any other questions? I just have a quick question. I think it's pretty similar to what Senator Hughes asked. We've been charged, as a committee, to find out ways that we can eliminate

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unfunded mandates or unnecessary regulations. Any specific ideas of what we can do to, to make your job easier? And by the way, I appreciate your work, especially with the high needs of students.

MELISSA BURKE: Yeah, I love what I do. They're adorable. I don't know. I don't know how you can make it any easier. It did become harder when, when we integrated the skills kids into the regular SPED program. That does make it more difficult and a lot more time consuming. And had they not offered the stipend, you know, I would have continued doing my job the way I've always done it. But then, you know, we don't get that. We don't get compensated fairly for what we're doing, and it's hard. And if you ask any SPED teacher, they'll tell you, that's hard.

MURMAN: Yeah. I agree. Thank you very much for your testimony.

MELISSA BURKE: So. Thank you.

MURMAN: Other proponents for LB589?

EDISON McDONALD: Hello. My name is Edison McDonald, E-d-i-s-o-n M-c-D-o-n-a-l-d, and I'm the executive director for the Arc of Nebraska. We're the state's largest organization for people with intellectual and developmental disabilities and their families. We're here today to testify in strong support of LB59-- LB589, which enhances reimbursement for special education programs and ensures that special education staff receive much-needed professional leave to complete essential documentation. LB589 is a necessary step to strengthening special education in Nebraska by addressing these critical areas. Schools are facing a growing demand for special education services. However, the current funding and administrative requirements place excessive burdens on both educators and their districts. As I mentioned earlier, this is such an area of significant crisis, with over 20 years of shortages in special education. I do want to note, as the last testifier was talking about paperwork and some of that extra time, a lot of those things are really important to families depending on how they're used. And I'm not 100% sure about which pieces she's talking about, but I do just want to urge caution. Ensuring that we have that information for families really helps to provide a lot better idea of how to better support their kid, not just in school, but throughout their life. A lot of our families will have whole booklets about "this is my kid," because they have to take that information, and they have to utilize it to be able to give to Medicaid, or to be able to give to their doctor and make sure that they've got a holistic set of care. So, I think that ensuring they've

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got the time to be able to complete this paperwork is the right approach, and ensuring that they've got those adequate supports is essential. With that, I'll close.

MURMAN: Thank you. Any questions for Mr. McDonald? If not, thank you. Other proponents for LB589?

NICOLE LOPEZ-BETTENDORF: Hi again. My name is Nicole Lopez-Bettendorf, N-i-c-o-l-e L-o-p-e-z-B-e-t-t-e-n-d-o-r-f. As you know, I'm a special education teacher from Lincoln. I am speaking in support of LB589 on behalf of the Nebraska State Education Association. I believe that this bill's proposed four days for special education teachers to complete the required documentation to support students with special needs would lead to a collective sigh of relief for special educators across Nebraska. Here's why I believe that. There are times when I tell my colleagues that I'm a great teacher, but I don't think I'm the best IEP case manager. Many people think they understand my job, so here's a little bit of insight. As a high school special educator, I teach five classes every day, two of which I am lucky enough to have be the same. That means that I plan for four classes, each of which-- and I've gotten really good at this over seven years-- each of which takes 15 to 20 minutes to plan daily, when I have a curriculum for the class. One of my classes is a core English class that requires me to adjust the curriculum and work so it's accessible for the students in my class. That class often takes up to 30 minutes to plan. These estimates are for planning that occurs every day, so, in total, on the low side, I spend 80 minutes, which nearly equates to the amount of time I have been given during the day to plan. So far, it probably sounds like I'm doing well with my time management. However, there's a great deal of other work I must fit into the day. I also have a caseload of 19 students in addition to the classes that I teach. That is actually the largest class that I have, and I don't teach them. In actuality, I typically do not get to see these students, because they are from all four levels of high school and some of them are attending different sites or locations due to behavioral needs. This is why these proposed four days are so crucial, because the students in my classrooms who are in front of me every day are typically at the forefront of mind, and the students on my caseload usually get my focus after the school day, when they and I have left the building. There are days, though, when I make the decision to work with the students on my caseload, which is something I try to do just once a month. I find them in whatever class they are in during one of my plan times, pull them out of class, even if it's a core class, and work with them as quickly as I can so they can return to their learning. Those five to ten minutes are simply not enough time to ensure that my

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students with legally-binding documents are appropriately supported. Those handful of moments are not enough to see my students in action to ensure that their accommodations are being implemented, to fully track their goal progress, to work with them on what they want post-graduation, to check on their academic and personal well-being, to contact their families, to work with our specialists, and to try to do the paperwork that comes with all of that. So, in the end, these proposed four days on-site will make for some very happy special education teachers and some better supported students when this bill is passed. Thank you.

MURMAN: Thank you. Any questions? I've got one. You got 19 students that you say you only see about once a quarter, was it? Or once a month?

NICOLE LOPEZ-BETTENDORF: The students on my caseload? I make it a priority to see them at least once a month. The majority of them are not in the classes that I teach. Yeah.

MURMAN: So, it seems like even with these four extra days-- and they're in different buildings, I think you said?

NICOLE LOPEZ-BETTENDORF: Some of them are in different buildings, yes.

MURMAN: You still wouldn't be able to serve those 19 very well.

NICOLE LOPEZ-BETTENDORF: A lot better than I currently am. As I stated, right now, the plan times that I have are set during every day. So, a student that I need to see, I see them in that exact same class every single month, so I'm constantly putting-- pulling them from, like, algebra, from geography, a core class that they need to graduate. With these four days, the whole day that is open for me to pull them from a class that maybe isn't as stressful for them to be in. It also gives me the opportunity to creep into one of their classes and see if their accommodations are being met; to meet with their teachers, especially if things are happening in the classroom that I just can't be there to see.

MURMAN: Sure.

NICOLE LOPEZ-BETTENDORF: Yeah.

MURMAN: OK. Any other questions? If not, thank you for testifying. Other proponents for LB589? Any opponents for LB589?

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JEFF SCHNEIDER: Hello. Chairperson Murman, members of the Education Committee, my name is Jeff Schneider, J-e-f-f S-c-h-n-e-i-d-e-r. I'm the superintendent for the Hastings Public Schools. I think it's hard for me to say I oppose this bill; maybe I should have said I'm neutral. I totally support the idea of supporting our special education teachers. I just don't think a blanket approach across the state of four professional days is the way to do it. That may work really well from some districts and not at all for others. Let me give you a couple of examples from Hastings. You're getting a lot about Hastings today with Mrs. Burke being here as well. In Mrs. Burke's building, one of the teachers is a behavior teacher, and he only has about eight or nine students, maybe ten on his caseload, while another special education art teacher may have up to 25 on their caseload. The behavior teacher doesn't have the paperwork burden maybe that some of those other teachers, so to say everyone needs four days, I don't know that that's the way to do it. I would offer maybe we need to look at additional ways to do this. Maybe we need to look at additional pay for additional time, maybe we need to look at comp time. But, but if this law is put in place as written, I don't know how we'll deliver it. In our district, that's over a substitute a day. We've got about 45 special education teachers, times four, that's a substitute a day. And sure enough, they're going to all want it on a similar day as IEPs are due. So, again, I can't tell you how much I want to support helping our special education teachers. We've heard in all three hearings about the shortage, and it is real. But I would urge you to look at a different method and other ways. A blanket approach like this, I just don't feel is the answer, and I think it will actually end up probably causing some students some services if we are required to do this. I think it's going to be a tough thing for us to actually execute in the field. But again, I want to reiterate why I'm opposing the bill as written. Anything we can do to support our education staff, I would say let us figure that out at the district level to do that and to go for there. You heard earlier, we are paying extra stipends to our skills teachers, about \$11,000 a year, because we can't fill the positions. It has been successful in helping us recruit, but we are certainly trying to look for ways to attract and retain special education teachers. Be happy to take any questions.

MURMAN: Thank you. Any questions for Mr. Schneider? Senator Meyer.

MEYER: Thank you, Mr. Chair. You mentioned comp time, which is essentially what this is. I mean, I-- just as an actual trade-off. This, this proposal-- in comp time, the teacher wouldn't be there, it sounds like. And, and I fully agree the teacher needs to be there

teaching those students, so, if they have comp time, if they're not there, you're, you're going to be paying somebody to be there anyway.

JEFF SCHNEIDER: What I was referring to on that one would be non-student-contact days.

MEYER: And if I may, additional pay-- you're already doing some additional pay. And, from my experience, my, my wife having been a, an elementary teacher and, you know, home every night until 9:00, sitting at the kitchen table correcting papers and everything else-- it sounds like it's less about the pay and more about the time management. These, these teachers are getting burned out from a time standpoint, considering working weekends. I mean-- and I understand what these teachers are doing, they're doing everything but emptying the wastebaskets, and you might have them doing that too, I'm not sure. So, comp time and additional pay, I don't think, appear to be the solutions for this. And once again, I'm, I'm open to suggestions; I'm not saying that this is, this is the panacea for, for what we're looking at, but-- just my observation. And, and I, I, I, I would welcome any constructive suggestions of how we, how we do this, quite frankly.

JEFF SCHNEIDER: I think the challenge is-- and I think we've talked about it. The real challenge is none of us can control this, because of federal regulations with IDEA. The amount of paperwork required of school districts. We went through a complaint with the Office of Civil Rights. I'll never forget it, it was in the fall of 2020, right in the middle of coming back on COVID. Yet to this day have we had a response from that case. We did a deposition, we spent money with attorneys. Four years later, we've had zero answer. So, it-- the amount of paperwork that is required and the amount of bureaucracy that we go through, especially with-- and it, and it's, it's intense in the area of special education-- I, I think probably is why all of us are frustrated.

MURMAN: Sounds like we ought to talk a little sedition. Is that what you're suggesting?

JEFF SCHNEIDER: We need to look at something to streamline the process.

MURMAN: Any other questions for Mr. Schneider? If not, appreciate your testimony. Other opponents for LB589. Any neutral testifiers for LB589. If not, Senator Conrad, you're welcome to close.

CONRAD: Thank you, Chair. Thank you, members of the committee. Really appreciate everybody who came forward here today. And even though I'm not sure opponents had an opportunity to reach out to give me a heads up about that, I'll definitely be willing to work with them and others to figure out the logistics on moving this, this measure forward. So, I also just want to touch base about a couple of things. You know, looking at the example, the model out of Omaha where this was negotiated between management and employees, they did the compensation bonus or additional pay, but then they also did this plan time that really, really helped to prevent the burnout problem that you've heard about here today, and that people are, are well familiar with. If you look at the online comments and some of the communications I know that have come into my office as well, there's been some really heartfelt emails and letters from special education teachers and even family members of special education teachers, just saying-- just thank you for introducing this, and at least giving a voice to some of the concerns that we're facing in our, our work on the frontlines of these critical issues with vulnerable kids every day. And so, whether it's, you know, four days, or whether it's, you know, assessed in or written in a different way to provide some sort of acknowledgment on the additional paperwork-- you know, we'll, we'll absolutely work with the schools and anybody else about that as well, but I think that, that model in Omaha should serve us well. And with the state picking up a greater cost of reimbursement for special ed services, you know, we've, we've really stepped up to be a good partner to our, our schools on the local level in helping to defray those costs. And this would include additional state investments in that, if a measure like this were to move forward. You know, and then the last piece, I just want to be clear about it, and I have no doubt that there may be instances where we have too much-- where, where the pendulum has swung a little bit too far, where we're too inflexible with our requirements on documentation or otherwise, and it can be a lot to dig through the federal regulations and the state and the local laws, and all of those different things. But, but there is a purpose behind the documentation, particularly in these instances, to make sure that kids are getting the services that they need and that they require; that have been assessed, that are appropriate for them, and to make sure that all of the stakeholders responsible for providing those services are, are meeting those standards, are doing, you know, the right interventions at the right time on the right timetables, are noting any issues or concerns that come up. You know, and particularly when it comes to special ed, in addition to how this is structured, essentially it's a contract with the federal government saying once you kind of enter, enter into this contract, you're going to have

certain documentation requirements to draw down these funds, which the schools are doing. The other piece is, particularly for some vulnerable kids, this kind of robust documentation can be really, really important for-- because a lot of these kids may be nonverbal, for example. And so, being able to have really, really clear documentation available is so important to the parents, is so important for the kids, is so important for the busy special ed teacher who's, you know, doing their best all day, every day, to do everything under the sun to, you know, go back and say, oh, did I actually get that intervention in time? Did we actually have a good outcome from that? All of those different pieces. So, you know, in particular, the documentation requirements by, perhaps, onerous do, do come with a valid, legitimate purpose behind them. And so, figuring out, you know, how we can achieve the right balance between helping the teachers who are responsible for the documentation get a little bit of breathing room to do that in addition to their teaching responsibilities, it really, it really should be a win-win-win. And, you know, I know different districts have different considerations before them. But if we're hearing from teachers that they desperately, desperately need something like this, you know, it, it kind of begs the question about why their school boards or why their administrators haven't moved forward with creative solutions like this.

MURMAN: Thank you. Any questions for Senator Conrad?

CONRAD: Thank you.

MURMAN: If not, thank you for the bill. And online, we had 12 proponents, 1 opponent, and 0 neutral on LB589. And that'll close the hearing for LB589, and we're going to take a quick five- to ten-minute break.

HUGHES: All right. I need a gavel. LB653 is going to start, and Senator Murman is bringing that bill.

MURMAN: OK. Good afternoon, Vice Chair Hughes, and members of the Education Committee. My name is Dave Murman, D-a-v-e M-u-r-m-a-n, representing Nebraska's 38th District. Today, I have the privilege to introduce LB653. LB653 does quite a few different things, and I plan to touch on all, but I want to start by framing the problem at hand. Much of what I'm going to say you may have already heard me speak on, if you attended last year's hearing, but the problem has continued, so I'm going to continue to work towards a solution. In a 2023 Omaha World-Herald article, it described a mother of a special-needs child who struggled with bullying at her current school in Omaha, and the

other Omaha schools did not have adequate services to allow her to opt in. In the article, she said, "I couldn't get a transfer into Bellevue. I couldn't get a transfer into Millard or anything. It was just OPS. And I was like, how is my daughter getting so cheated?" The harsh truth is that it is-- it was her special needs daughter who was getting cheated. I don't mention this as any attack on OPS. This is just an example, and her story is not unique to schools all over the state. In a hearing on last year's LB1398, we heard from parents in more rural parts of the state. This is a problem not just in one specific school district or parts of the state, but all over. The report that I have passed out to you displays that clearly. For some schools, the data isn't as concerning. For example, OPS denied a total of 17 students, and only three of those had an IEP. But in other examples, West Side denied 350 students, and out of those, 89 had an IEP. Millard had 34 student-- total denials, and out of those, 27 denials were students with IEPs. At Bellevue Public Schools, a district who took in over 230 option students, had 30 rejections, and every single one was a special-needs student. And if the problem seems like an urban and suburban issue, at Tri-County Public Schools, they denied six students, and five of them were special-needs. The data could not be clearer: special-needs children are being disproportionately denied the opportunity to option enroll in a school district while non-[INAUDIBLE] students have significantly higher chance of being able to access the public school that works best for them. Now, let me be clear. I'm not at all saying all of these schools are discriminating. Resources and capacity are very real factors. What I am saying is we need to think about how the families of special-needs students feel. When a family with an IEP student gets denied an option into school, and their neighbor door-- their next door neighbor who does not have an IEP gets in, how is that family supposed to feel? They're going to feel discriminated against, plain and simple, and the data is on their side. So, how do we fix the problem? LB653 first requires the denials of IEP students to be proportional to the total number from a school district. In other words, the IEP student population of Nebraska is about 16%; logically, if IEP kids made up 16% of the population, then they should make up about 16% of the denials. Anything else would be unfair and hard to argue it's not discriminatory. The next piece of bill-- piece of the bill ensures families are kept together. Last year, parents told the committee stories about how their older child with no IEP opted in, and then, when a younger sibling with an IEP tried from the same family to opt in, they were denied, even, even, even year-after-year. When a parent options for their oldest child, they shouldn't have to worry about the concern that when their next child is old enough, they

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could be denied, causing the parent to have a worry about taking the kids to multiple schools. It's simple enough: we should keep siblings and families together. Next, this bill improves reporting requirements. It was pointed out the-- at the interim hearing that while the report in front of you includes the number of applications received-- and that's the big sheet of paper I passed out, there-- the amount of-- number of applications received, rejected, and IEP applications rejected, it doesn't include how many IEPs were accepted. We also heard some testimony about incomplete applications counting as rejections. So, that has been reworked as well. Finally, rather than reverse IEP option students at the end of the year as we do now-- reimburse IEP students at the end of the year as we do now, this would take up the cost of any first year IEP option student who has an estimated cost of five times the per-pupil student average upfront. I understand this bill is asking more of our schools, but with it comes more financial support to make that happen. To conclude, I expect we may hear quite a bit from administrators about how this isn't possible and asks too much of our schools. I understand those concerns, and I'm willing and ready to work towards solutions, but I also want the committee to listen to the parents and their stories. These are parents who have been trying and trying to get their education and help their children need, and they're being denied that opportunity. We'll also hear from the Education Rights Council, who I care-- who I'm careful for-- grateful for their help on this issue. The bottom line is that parents are struggling to find the education that works best for their special-needs children, and there-- they are being turned away. We can't accept that. Thank you, and I'll take any questions.

HUGHES: Thank you, Senator Murman. Yes, Senator--

SANDERS: Senator Murman, thank-- thank you--

HUGHES: Oh my gosh. Sanders. Good grief. I'm like, looking at Conrad, and I'm like, that's not Conrad, that's Sanders.

SANDERS: You could just say, "hey, you" and that works, too.

HUGHES: Hey you, at the end.

SANDERS: Thank you, Senator Murman, for bringing this forward. I'm particularly interested, of course, in the Bellevue Public School data. I know just a little bit about Bellevue Public School and their special needs-program. My son was in that. However, they serve quite a few military children. If you are in the military, you're in any

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service at this point-- the word is out, if you have a special-needs child, try to get to Offutt Air Force Base, because they'll take good care of your children. Good thing for us, however, they are at capacity. Right? So in this data, we have to be really careful how we extract it. It says 30 applied and 30 were rejected. They're already full. So, there's nothing on here that indicates how many are currently in that school, that special ed, and how many-- how the overflow works. So I just wanted to be really careful of when we have the data and how we extract it, how we use it. We really need to look at-- everyone is shorthanded. Like, we can all agree on that. But we also have higher densities of, of-- and bigger schools that have more special needs requirements and enrollment. So-- anyway, just, just thought I would bring that up.

MURMAN: Well, thank you. Yes. I, I guess I haven't specifically looked at, at Bellevue on the sheet there, but my goal is also to report how many option students a school district accepts, and I'm not sure if, if-- well, that's not on the report, there, so. I appreciate the schools that do it. A lot of IEP students, and-- I assume there will be certain schools that do a good job with their IEPs, that parents with IEPs will want to send their kids to those schools.

SANDERS: And that have the capacity to accept them.

MURMAN: Yeah.

SANDERS: Thank you.

HUGHES: Thank you, Senator Sanders. Does anybody else have questions? I had one, and I'm just thinking-- the math part. Let's say that you've got a very small school-- so this wouldn't be a Bellevue or anything like that. But you only have room for, like, three option enrollment kids, four apply, you turn one away, now you're at 25% that you've turned away. Like-- do you know what I mean? I mean, and that really could happen in some of our lot smaller schools. Are we going to address that? Or how-- I, I, I just think it's-- I guess maybe it's just hard to say a specific percent. I mean, that works as a congl-- you know, for all 20-- 245 districts, 16%, that's the number we're kind of going for. But, you know, when you get down to the weeds and these little ones, one number off can really change that, so. And maybe it's just something we need to keep in mind [INAUDIBLE].

MURMAN: Yeah. Thanks for bringing that up. You know, if-- in certain specific situations, like an extremely small school, maybe we do need to address that. You know, if it's only a few students, I guess the,

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the other option would be for the school not to accept option students. But not sure that's the best path--

HUGHES: And that's [INAUDIBLE] yeah, that's hard, too.

MURMAN: --either. So, you know, we did classify our schools five different classifications now, so--

HUGHES: Yes. We could look at something like that. True.

MURMAN: --we could exempt those really small schools, or just like you said, a student or two could make a huge difference.

HUGHES: Yeah. Right. And then I was just thinking, just from all our past hearings today and the shortage-- what were we? 167 special ed teachers not filled this year?

CONRAD: Mhmm.

HUGHES: Well, then a school is going to have a real hard time taking an option-in IEP kid when they don't have that position filled, so that's-- I mean, this is compounding this issue. But I guess we're-- I'm saying something that everybody knows, so.

MURMAN: Yeah. That shortage is across the board, so--

HUGHES: Right.

MURMAN: I assume it's the same for pretty much all schools, so--

HUGHES: Yeah, yeah.

MURMAN: --we just need to address the IEP, you know, do the best for the families as best we can, and that's what--

HUGHES: And I think-- and I appreciate--

MURMAN: --that's what I'm trying to do.

HUGHES: --the reporting tightening up, if you will, because I think you mentioned if, if an application was filled out wrong, they might get rejected for that, right? That's a very different rejection than I don't want the student at my school because of capacity or whatever. And I also-- like, the how many do they already have? So, I think if anything, just our tracking a little bit better will help us in the future, too, so. Any other questions for Senator Murman? All right. Thank you. Assuming you're going to stay for close.

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MURMAN: Yes.

HUGHES: OK, very good. First proponent, please, for LB653. Go ahead.

ELIZABETH EYNON-KOKRDA: Good afternoon, members of the committee. My name is Elizabeth Eynon-Kokrda, spelled E-l-i-z-a-b-e-t-h E-y-n-o-n-K-o-k-r-d-a, and I'm here on behalf--

HUGHES: You spell really fast. Could you do the last name one more time? Sorry.

ELIZABETH EYNON-KOKRDA: E-y-- oh. Backward? E-y-n-o-n hyphen--

HUGHES: E-y-n-o-n. OK.

ELIZABETH EYNON-KOKRDA: K-o-k-r-d-a.

HUGHES: Thank you.

ELIZABETH EYNON-KOKRDA: I didn't realize you guys were all spelling it down. I just thought I was reading it for the record.

HUGHES: I do-- I-- that's what I do. I like my notes, so.

ELIZABETH EYNON-KOKRDA: OK.

HUGHES: Carry on. Sorry.

ELIZABETH EYNON-KOKRDA: So, I am general counsel for Education Rights Counsel, and Education Rights Counsel really works hard to make sure that all children can access school and thrive. And we're here in favor of LB653 in part because we've been before this committee, and prior committees, and prior committees before that committee really very, very concerned about the discriminatory impact that option enrollment has had in the past. And so, we've seen a couple iterations. Prior to 2023, we really had school discs that were-- school districts that were making blanket choices about capacity, never coming to update it, never looking at-- for the capacity to take a particular individual child, but rather just general numbers. And I was so excited today. I love talking about special ed and helping out kids with special ed and helping teachers. I'm fully a proponent and-- as is Education Rights Counsel-- for all of that. But I think it's very important that when we're treating people with options, giving them options, everybody has an access to that option. So, in 2023, the Legislature changed the statutes to require school districts to actually look at their individualized ability to take on a particular

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child with special needs. Unfortunately, what we found is the data that got passed out before you. And I fully respect that some people challenge whether that data was completely telling the whole story, but if you look at the data, the way it's told-- and I'm sorry, Senator Sanders, but Bellevue does come to mind, because Bellevue does have a-- you know, it shows you how many kids came in, how many applied, how many were accepted, how many had IEPs, and how many were not accepted. The problem-- it says 30 people had IEPs, 30 people were not accepted; it's not clear whether they're the same 30 people. But the way the data looked to all of us is that it's very clear that a whole lot of kids are getting accepted. Out of some 6,700 applications, 5,800 or 5,900 were accepted, and we couldn't see any specifically on this data that for-- were really, truly children with special needs. So, what this bill does, in essence, is clarify the data collection, as Senator Murman said, require equity and option enrollment acceptance, and increase funding for option enrollment students that have significant special education needs. Now, I do want to say that when I testified earlier on this matter, I actually testified for a completely disability-blind approach. And the reason was because I figured that parents have the ability to say, if I've been accepted and I go to a school, and it doesn't look like they really have the services for me, I will withdraw that, and I will look elsewhere. Having said that, I believe that Senator Murman's approach is balanced; it encourages districts to see the value of all students who seek options, going to your question. This may actually encourage people to accept more option students as a way of, you know, getting students with special education, as well as students without. Because you-- the more you take with-- without, the more you can take somebody with. I hope that this ensures increased funding and enables families to really have a true option for a child with special needs. So, I'd urge you to move it forward for the consideration of the full Legislature, and I'd be happy to answer any questions.

HUGHES: All right. Thank you for your testimony. Any questions for Ms. "I-run Coke-dra?" [PHONETIC] [SIC]

ELIZABETH EYNON-KOKRDA: Eynon-Kokrda. Yes.

HUGHES: Eynon--

ELIZABETH EYNON-KOKRDA: Thank you. Sorry. I know--

HUGHES: --Kokrda.

ELIZABETH EYNON-KOKRDA: --it's a really bad name.

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HUGHES: It's all good. It's like I-- "can I buy a vowel?" on that last part. Anyway. OK, go ahead. Any questions? All right. Thank you for your testimony.

ELIZABETH EYNON-KOKRDA: Thank you.

HUGHES: Appreciate it. Next proponent for LB653. And Edison is back.

EDISON McDONALD: I'm back. Sorry, everybody.

HUGHES: Who do you work for, again? I'm just kidding. Go ahead.

EDISON McDONALD: Well, and I have to get everything on the record.

HUGHES: I know. It's-- it's cool. It's good.

EDISON McDONALD: Hello, my name is Edison McDonald, E-d-i-s-o-n M-c-D-o-n-a-l-d. I work for the Arc of Nebraska. Today, I'm here in support of the Arc of Nebraska, and because I recognize by this point I've talked at y'all a lot, I'm going to share the story of one of our members, because our members are tremendously excited about this bill, and appreciative to Senator Murman for his work on this issue. I'm going to speak on behalf of Angela Gleason, an Omaha mother who came before this committee during the interim hearing, who has three kids between the ages of seven and twelve; her oldest who has a disability and hasn't been accepted for option enrollment while her other two children have. My name is Angela Gleason. I'm a parent of three children, two in one school district that we opted into, and one in his home school district. I testified at the interim study in the fall that examined at how option enrollment is limited to students with disabilities. I'm so grateful to Senator Murman for working on this bill and quickly trying to address how children with disabilities are prevented from accessing the option enrollment peers without disabilities can take part in. If this bill is made law, my kids may actually get to be in the same school and get to see each other throughout the day. We won't have to juggle alternating days or times off for professional development, and spring breaks that don't line up. This bill would truly keep families together, like I originally thought would happen when trying to enroll all of my children into a different option school. It also limits districts from being able to reject all students with IEPs, and instead ties the rate of rejection to approximately the number of students receiving special education services in our schools. I think this bill appropriately addresses what has been a true limitations to students with disabilities' civil

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rights. Thank you so much, and I hope this quickly moves forward to the full floor for debate. Thank you.

HUGHES: Questions for Mr. McDonalds [SIC]? All right. Nothing. Thank you. Next proponent? OK, do we have any opponents?

COLBY COASH: Thank you, Senator Hughes, 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. Today, also appearing on behalf of the Greater Nebraska Schools Association. We are here in opposition, but there's a lot that are good in this bill, and I want to make sure we get that on the record. There's a lot of helpful fixes in here. Many of these things were brought to this community's attention during the interim, and I'm pleased to see those fixes, if-- some of you were here for that interim hearing. The reporting that didn't seem to tell the whole story, and following that interim, I started to work with the Department of Education and others to see if we could fix that reporting. There was movement down that, down that road, but this bill takes care of that. That's a, a good thing. The additional dollars for those high-needs students, which could kind of loosen up the wheels a little bit, so to sp-- on accepting high-needs students. The notification changes in this bill are appropriate, the acceptance of siblings makes sense, and the application issue of, you know, just not denying someone and based on it incomplete application-- all those-- all of those things are, are, are appropriate for this bill, and we would support those. The part that I want to talk about that we have some objection to is the, the part with the 16% threshold of acceptance. And, and what the bill says is, is 16% regardless of capacity. So, it's saying doesn't matter what your capacity is, it's regardless of that. And capacity does vary across the state. Some districts are closed altogether to all option, and they have zero capacity; some are closed at certain grades, certain buildings. It-- the capacity issues related to special ed are all tied to the workforce issue, which you spent the morning-- or, the afternoon hearing about. The-- when Senator Murman talks about that 16% statewide, I, I believe that number-- 16% of students having IEPs--but I don't think that that 16% is evenly distributed across districts. For a variety of reasons, families with special needs are going to find themselves migrating to different places where there are other services available to those students, not just education. And so, Senator Sanders, when you mention Bellevue has a, a reputation amongst the military community, there are other districts across the state that have reputations like that. They're not all in the urban areas. But I think you'll find a concentration in those communities where there are other services for those students, and things like

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that. So, that 16%, while I understand where that came from, I don't think it really tells the full story because it's, it's not as evenly distributed in, in, in our view in that regard. So, with that, I'll close my testimony and see if there's any questions.

HUGHES: Thank you. Mr. Coash. Do we have questions for-- yes, Senator Conrad.

CONRAD: Thank you, Vice Chair. Thank you, Mr. Coash. Good to see you, as always. I appreciate your support for most aspects of the legislation, and know that perhaps we, we still need to continue our conversation in regards to the capacity and how our option works for kids with special needs. But, you know, my key takeaways from the interim study on these very topics were that the option enrollment program is really a great feature in Nebraska; it's very well established, and it works well for most kids and most families. But who it doesn't work well for are kids with disabilities and special learning needs, and families who have kids with special learning needs. So, I'm glad we found agreement on all of the other pieces that were already generally working, but we're still at disagreement on the component that's not working--

COLBY COASH: Right.

CONRAD: --in Nebraska. And I, I know schools have the best interests of kids and families at heart, and are thinking deeply about unintended consequences with lack of resources for, for kids that might option in. But I just-- we've had this conversation for a while, and it, it really-- the capacity argument just doesn't hold any water for me, and, and here's why. Because we know that if I'm a resident of the district, you have, have to figure out a way to provide services for me. So, the moms and dads who are using this program are taxpayers locally, state, and federally. They're already paying in to support the public education system. So, if I, in an urban area, sometimes, can even just move within the metro area and be in a different school district, when I show up in that res-- separate-- that new school district, they-- there's no capacity conclusion or calculation; they have to provide services to my kids. And if they can't figure it out because they don't have capacity or whatever, they, they got a contract for it, they got to work for it. So, that's, that's where I get really, really stuck, because we can't just throw up our hands and say "capacity" if I move into the district, but that's what we're doing right now for kids and families with special needs who want to utilize option enrollment and their tax dollars are funneling-- are, are funding all of these school systems.

COLBY COASH: Understood.

CONRAD: Can you help me understand that?

COLBY COASH: Well, I, I can't. I mean, I-- a dollar is a dollar, depending on which district--

CONRAD: Yeah.

COLBY COASH: --you're, you're, you're paying that to. I think from the, from the district's standpoint, to your point, if you move in there, districts have got to figure out a way to make it work. And that's a have-to.

CONRAD: Right.

COLBY COASH: Right? The students who don't reside there that want to, it might be a want-- that becomes a want-to. And so, it's a difference between what a district is required to do, what they may want to do. There are districts-- LPS is a good example. They take all the kids--

CONRAD: Yes.

COLBY COASH: That, that option, and, and they're able to do that. They have-- they don't have the same capacity issues of the others. But I think what-- I don't know if I'm answering your question, but it's a, it's a must-do versus a would-like-to-do, but for capacity, and-- I'm just not sure that-- my point today was just that 16%, I don't know if it's-- and I'm not suggesting there's a right number or I have a, a correct number, but I would just say that that 16% is, is probably-- is not an evenly-distributed percentage across the state.

CONRAD: OK.

HUGHES: And I guess this leads me to a question. And from being on school board in, in Seward, a lot of times our elementary is at capacity, and we don't take any option enrollment-- doesn't matter what kind-- because we're not going to build another school room or hire another teacher when they're not in the district. Have we seen a change in this issue with the change we made two years ago, where we fund-- we finally are funding special--

COLBY COASH: I think so-- I'm sorry.

HUGHES: --needs, up to 80%, which-- because prior, we were-- we're looking at 42%. And, and let's be real, you get a kid-- I mean, I've

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got a, a district in my school that is very attractive, as Bellevue might be, and get a lot of-- and, and you can have a kid that's \$100,000-a-year kid. And, and now, with our special ed funding from the SEA, it helps cover the majority of that, but that-- still, that, that delta is higher than the option enrollment money you get, and is-- and then now, you're asking me to pay for it on my property tax now. Yes. They moved there, I have to, but-- we got to balance, too, on the tax payer as well. I, I-- so, I guess my-- what am I getting to? My question is, are we seeing more acceptance of these things because there's better funding from the state for that-- the special ed piece?

COLBY COASH: So, my instincts say "yes."

HUGHES: That's what I would think, but--

COLBY COASH: But we don't know. And I think enhancing the reporting--

HUGHES: Yes, will help.

COLBY COASH: --to be more accurate, which is part of this bill, is going to be,--

HUGHES: Yes. I think,--

COLBY COASH: --helpful to that.

HUGHES: --enhancing the reporting is huge, because data is everything.

COLBY COASH: To, to your point. Yeah. You brought up a \$100,000 cost of a student. And school boards are in the position-- they don't make day-to-day decisions at districts, but accepting option enrollment children is a school board decision. Like, those are placed on the agenda, you know, school district ABC accept X number of option students from the neighbor. So, these are decisions the school boards make. And one of the, one of the factors is what's the cost of educating that student? Does the 80%-- you know, does the reimbursement cover that? Those are, those are things that school boards do look at, because they have to keep the--

HUGHES: We-- we're responsible to the taxpayer.

COLBY COASH: Responsible to the taxpayer. So, I'm hoping-- to answer your first question-- that some enhanced reporting will help answer that as we move forward, and it's always good to have it regardless.

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HUGHES: And I think it takes away one of the straight up nos. If I'm only getting 40% of that funding-- you know, it's much different than today, but-- any other questions for Mr. Coash? No? Oh, yes.

CONRAD: Sorry.

HUGHES: Senator Conrad. Yeah. Absolutely.

CONRAD: Yeah, I just continue on there, too. And, and I just, you know, want to-- we always have to balance a variety of competing considerations. But the moms and dads who have kids with special learning needs are also taxpayers, and I-- we can't forget that from the calculation. But here-- here's my final kind of statement on this, and I want you to think deeply about this, because I know you do, and you care deeply about it. And let's just maybe, perhaps, put our cards on the table here. This issue, this lingering issue, is one of the primary arguments in regards to our ongoing school choice and vouchers and whatever kind of dialogue that we've been having in this state at a pretty pitched level for many years, including very recently. So, we-- I am a strong proponent of public schools. I am grateful to be a product of public schools and to be a public school parent, and the daughter of a public school teacher. Public schools have to fix this, because it's a continual rally point to undercut public schools. And we've, we've come back, and we've come back, and we've come back saying, "please, fix this." And we keep hearing "no." So, it's in the best interests of public schools to fix this, and we haven't seen movement in that regard. And my friends who are on the other side of this issue, who are arguing for vouchers and school choice and whatever else kind of programs are not wrong when they lift up this issue as a reason why they're looking for alternatives, so.

COLBY COASH: I agree.

HUGHES: Any other questions? Thank you.

COLBY COASH: Thank you.

HUGHES: Next opponent.

JEFF SCHNEIDER: Jeff Schneider, J-e-f-f S-c-h-n-e-i-d-e-r, superintendent of Hastings Public Schools. You're almost done with me. I'm actually here for the next hearing, but when I saw the list, I thought I would chime in on these as well. So, Senator Conrad, I'm going to try to-- I'm going to skip what I was going to say, because, Senator Hughes, you brought it up. We're a net negative option district; in Hastings, we're 64% free, and reduced lunch. We lose

option students to surrounding schools, but not special education option students because most of the time, they're not accepted. So, where do we have capacity? In general ed. We are overloaded in special ed. You heard one of our teachers earlier today. So, this scares the heck out of us because we are already struggling. So, to add more when our students are not able to option out makes it tough. But I want to get back to the, the question you asked about schools fixing this. And, and if I had the answer, if any of us had the answer, we would just have it. But it, it, it is very different at each district we talk about-- we talk about taxpayers. Well, taxpayers-- yes, I understand where you're coming from, that everybody contributes statewide, but then everybody contributes property taxes locally. And, and those are the rules. And when you talk about the private school vouchers, the public schools are responsible for performing the special education requirements of the private schools. So, I want to be really clear on that. Even if a voucher sent a kid to a private school in our district, it's going to be Hastings Public that has to be responsible for that IEP. So, that argument does not hold water with me when I get that from somebody, because ultimately, that falls on the public school wherever that child goes to school. So, that might answer part of that. But I understand where you're coming from, and, and I just want to say, if we're going to address this in our district, I think, unfortunately, an unintended consequence-- and I understand the intent of this. And as someone who's worked at Hastings Public for 31 years, there is nobody we should try to serve better than our students with special education needs. So, please don't hear me sound like I'm not listening, because I get what Senator Murman said in his opening, about we need to consider about the parents and the family members. I understand that. But when you're a negative option district and you lose regular ed kids but not special ed kids, and then your staff is overwhelmed, and they're looking at districts that are maybe 20% free and reduced lunch with smaller caseloads, it's impossible to staff it. It's just not possible. So, we have to find a solution that, that is a blanket solution, and this would-- I, I don't think this is it. I understand the intent, but I think it would have unintended consequences. The-- my first reaction is, if this were law tomorrow in our district, I think we'd have to consider closing all option, which I think is a backward step. We pride ourselves on taking option kiddos, but the way I would work around this law is to just close the district, which I think is not the right move. I'm just, I'm just playing devil's advocate to the, the potential. So, I'd ask you to consider that, and I would be happy to answer any questions.

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HUGHES: Thank you for your testimony. Questions for Mr. Klein [SIC]? Yes, Danielle. Or-- miss, Senator Conrad.

CONRAD: Yeah. Yes. Yes, thank you, Vice Chair.

HUGHES: Sorry.

CONRAD: And thank you for sharing that perspective, and I know you've looked at this from a lot of angles, and have spent your life devoted to public education and kids as well. But, you know, again, just playing devil's advocate or kind of thinking through, instead of throwing up a defensive posture to a legal change or a reform like this, why isn't the other alternative to open the doors and make it work for all kids in Nebraska? And if you're a net negative option enrollment, you actually have more capacity. So, it, it really doesn't work in your situation.

JEFF SCHNEIDER: I, I think because-- I think because to do that, it-- we don't have any control locally over that. It would have to be a statewide approach where schools were all blended in together to make this work, which gets really difficult with that conversation of local control.

CONRAD: Yeah.

JEFF SCHNEIDER: Right? We like local control until we don't.

CONRAD: Yeah.

JEFF SCHNEIDER: But I, I think that's why, is the-- the only walls that we live in, and as we're responsible for looking out for our district, and again, take very seriously our staff when we think about that; of not overwhelming them. That's the angle we come from, so we get concerned about them being overwhelmed.

CONRAD: Sure. And I, I, I appreciate and understand that, and don't want them to be overwhelmed either. But-- so, we know option enrollment's working really well for the vast majority of Nebraska kids and family. We know it's not working well for some kids and families with special learning needs. But we, we just can't break through, once we all are in agreement about what's working and not's-- what's not working here. And I, I think the underlying current is just that, you know, some kids are just too expensive for us to take into our school district. And that just-- I think that's-- that might be the reality, but that just-- that feels just very cold to me.

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JEFF SCHNEIDER: I, I can completely understand that. From our seat on the bus, it's not the dollar signs; it's the ability to deliver. Can we, can we handle the transportation? Can we handle the para that's required? Can we find the person?

CONRAD: Yeah.

JEFF SCHNEIDER: You know, we are often delivering personal cares to these students that need to be fed and changed. It takes people.

CONRAD: Right.

JEFF SCHNEIDER: And so, I, I don't think it, it-- at least for us, it's not the dollars in our district. It is-- can we find the human beings to deliver these services appropriately? And if we overload those programs, what are we doing to the kids that live in our district?

CONRAD: Sure.

JEFF SCHNEIDER: So, there's the-- but I completely understand, I-- it's hard to be in opposition of this--

CONRAD: I know.

JEFF SCHNEIDER: --because I understand the intent, and the intent is spot-on.

CONRAD: Yeah, Very good. Thank you. Thanks for your time.

HUGHES: Any other questions for Mr. Schneider? Thank you. Thanks for coming. Other opponents? Go ahead.

DANIEL RUSSELL: Good morning, committee. My name is Daniel Russell, D-a-n-i-e-l R-u-s-s-e-l-l. I'm the deputy director of Stand for Schools, a nonprofit dedicated to advancing public education in Nebraska. I'm here today on behalf of Stand for Schools and the Nebraska State Education Association. My objection to the bill is very similar to Mr. Coash's, and in fact Stand for Schools very much appreciates the work of Senator Murman and the co-sponsors of LB653 to continue to strengthen the option enrollment program through both process and substantive improvements. The provisions of LB653 mandating additional communication between school districts and option enrollment applicants, and clarification around the reporting of the State Board of Education for school districts struck us as common sense changes to the option enrollment program. As you can read in my

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testimony, our objection to LB653 has to do with the capacity limitations set forward in the bill. And so, I won't repeat those here, but I'm happy to answer any questions.

HUGHES: Thank you for your testimony. Do we have questions for Mr. Russell? No.

DANIEL RUSSELL: Thank you.

HUGHES: Thank you very much. Next opponent. OK, nothing. Do we have someone in the neutral? All right. No one in the neutral. Senator Murman-- and while he's coming up to close, we have-- online comments are 3 proponents, 2 opponents, and 0 in the neutral. All right. Go ahead, Senator Murman.

MURMAN: OK. Well, in closing, first, I'd like to say that I don't think a school should take option students unless they can take all students. And that's the-- you know, the intent of this bill is not only that, but then to serve our students-- all students in the state, families in the state, as best we can. And I think the committee has made this bill at least possible by what we've done in the last couple of years. We now reimburse special ed at 80%, and of course, if they're an option student, then they get the option funds on top of that. So, I, I think the, the payment at least comes really close to matching what a, an IEP student will cost. Then-- and the \$100,000 student was mentioned. I do have a section in the bill that if an IEP student is more than five times the average cost of a, of an IEP student, the funding is provided in the year that the student attends instead of being a reimbursement, so the school will receive the money during the school year rather than the following year. So, a, a, a really expensive student can be handled that way. And I don't want to turn this bill into a school choice debate, but-- especially because of one of the testifiers. I don't, I don't think-- this is a separate top-- topic, and, and it's worth cupping at-- pointing out a couple of details. During many of the debates on the subjects we've return-- we've re-- routinely heard two things. One, public schools are here to help every child, including those with special needs. Two, public schools would never discriminate. The data on the report in front of you says otherwise. The data shows clearly that special-needs children are often disproportionately denied option enrollment. The very same people who would make those arguments came here today and opposed a bill meant to protect special-needs children from optioning into another public school. I'm happy, ready and willing to figure out specific details in the bill to make sure everything works. But I'm not going to stop until our kids with disabilities get a fair

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opportunity. And Hastings Public Schools, I, I should say I appreciate. They do do a good job of-- with their IEP program. But I do think if this bill would be in effect, that surrounding schools around Hastings that take the option students out of Hastings would have to take at least 16% of the IEP students. So, that might actually help Hastings out in that way. And with that, I'll take any questions you might have.

HUGHES: Thank you, Senator Murman. Do we have questions? I just have one. How long-- so, I'm new to the Education Committee, right? How long has this reporting been-- how long have we been tracking this specific information?

MURMAN: I believe the last-- just--

HUGHES: Couple years.

MURMAN: This year was the first year. Last-- or-- yeah.

HUGHES: So, this is the first year. So--

MURMAN: Yeah. Or last year, whatever that year of that is.

HUGHES: And so my question is-- because two years ago, we added the 80% special ed funding, and then we're saying it clearly doesn't work. But my question is, are we-- is it getting better? Because if it's getting better, do we need to, to wait and see-- are-- is it getting better? Are more schools taking in these kids because they get 80% funding? Because-- and, and, and then I think better-- even better tightening down the tracking on this gives us more data. I guess my question is, do we not maybe need some more data before we say it's not working at all, and now we need to mandate you have to take 16% or else. I, I-- that is my question. I don't know.

MURMAN: Well, that's definitely part of the bill, is to make sure the data is [INAUDIBLE]--

HUGHES: Yes, I know that, and I--

MURMAN: --tells us what we need to know.

HUGHES: Agree on that.

MURMAN: But in the meantime, I think we need to serve all students in the state as, as best we can. And, and that's the intent of the whole bill.

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HUGHES: Right. OK. Any other questions? Oh, Senator Lonowski.

LONOWSKI: Thank you, Vice Chair. And thanks, Senator Murman. You know, I still have the issue of trying to get over the fact if-- we have a shortage of, of special ed instructors. Let's say we go somewhere small. I don't know, Kenesaw. They have one special ed instructor, but they have five kids or six kids or seven kids-- I just don't see-- so, they're going to have to take this person in, take a, a person with an IEP in, but they don't have the teachers to do that. So, I don't know. If we, if we put some sort of exclusion in there, or if we try to-- I don't know, have, have--

MURMAN: Yeah, we, we--

LONOWSKI: --mobile, mobile instructors or something.

MURMAN: Yeah. We did talk about that a little bit before. Maybe the extremely small school districts where just a student or two can make a huge difference in, you know, whether the services are provided adequately. Maybe we can make an exception for that. At least I'd look at that. So.

HUGHES: OK.

LONOWSKI: Thank you.

MURMAN: And it's a challenge for schools, I realize, to, to serve IEP students ade-- you know, fairly and adequately. But that's what we're-- I'm trying to address with this bill.

LONOWSKI: Right. And even on a big scale, like Mr. Schneider said, they are short several instructors and still seem to be the school is taking [INAUDIBLE] on the kids. But it's not that nobody wants to; I think everyone would love to be able to help those kids, so.

MURMAN: Yeah.

LONOWSKI: Thank you.

MURMAN: Yeah, thanks.

HUGHES: All right. Thank you. Other questions? All right. Thank you, Senator Murman. And that concludes LB653. Yeah, online, just for the record again, was 3 proponents, 2 opponents, and 0 neutral. Oh, I did when you were kind of coming up. I thought, OK, it doesn't hurt to hear it again.

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SANDERS: All right.

MURMAN: OK, let's open the hearing on LB507. And Senator Hunt, welcome to that chair.

HUNT: Thank you, Chairman Murman, and hello, members of the committee. I'm Megan Hunt, M-e-g-a-n, H-u-n-t, and I'm here to introduce LB507. If you look at the text of the bill, LB507 just changes one sentence in our statute. And what it does is it clarifies that when a child is enrolled in a school district, and the school district has an obligation to provide transportation for that child's IEP, then that transportation is to be provided by the school district. Some school districts have recently taken the position that even if a child is enrolled in their district, if they have an IEP that calls for transportation, but they-- the child doesn't live within the geographic boundary of that school district, that they don't have to provide the transportation. So, this bill just clarifies that if a kid is in your school but they live outside the boundary, you still have to provide transportation for them if they have an IEP. You might ask, how does a child end up outside the school boundary? Well, there's a couple ways; I can name a few of them. One would be children in foster care. From time to time, they're moved from a home in one school district where they've been going to school for a long time to a home in another district. At the time of the move, the law requires DHHS to determine what school that child's going to go to after the move, and federal and state law here in Nebraska says that the child shall remain in the school of origin, unless it's in the best interest of the child. So, sometimes they're moved outside the boundary, but they stay going to that school because of a foster care placement. Another way a child might end up outside of the district is if they're a ward of the court and the court places the child in a residential facility. For example, if the child needs different services that that facility would be providing, and then the parents continue to reside in the original school districts. That would be another example. And again, Nebraska law says that the child needs to continue to be a part of the district they were in at the time of the move. So, LB507 is very simple. I think it clarifies the original intent of the law. It clarifies that when a child's IEP says they have to have transportation, that the school has to provide that. And there will be a testifier after me who can explain in further detail the necessity of the bill. Thank you.

MURMAN: Thank, thank you. Any questions for Senator Hunt at this time? Senator Hughes?

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HUGHES: Thank you, Chairman Murman. Thank you, Senator Hunt. So, I'm just going off of our last bill. So, if a school has taken an option-in kid with an IEP, and that IEP requires-- so, I'll just throw-- I'm in Milford, I've taken a kid from Lincoln in that has an IEP that requires transportation. I need to send somebody from Milford to go pick that kid up in Lincoln and bring him back?

HUNT: It sounds like the answer is no, and there will be people behind me who can speak to that.

HUGHES: That-- OK. Thank you, Senator. Because I'm like, that's not going to help Milford take that kid. But OK.

MURMAN: Any other questions for Senator Hunt? If not, thank you.

HUNT: Thank you.

MURMAN: And proponents for LB507? Welcome back.

ELIZABETH EYNON-KOKRDA: Thank you, Chairman Murman. Chair Murman and members of the Education Committee, my name is Elizabeth Eynon-Kokrda, spelled E-l-i-z-a-b-e-t-h E-y-n-o-n-K-o-k-r-d-a, and I am general counsel of Education Rights Counsel, which is a nonprofit trying to make sure all children access school and thrive. This particular piece of legislation is actually very important for a narrow but very vulnerable population of children. And, as Senator Hunt says, it's addressed specifically for children who have an IEP where the IEP itself requires transportation. So not all IEPs require transportation, but sometimes you do, and usually that's for our most vulnerable children. And what we have right now is a situation where generally, our laws state that school districts must provide or contract for special education programs and transportation for all resident children. Again, this is about children that the school district is already responsible for. So, if I just-- for want of a better word, because we do see this in larger districts-- if I am an OPS district, and I have a student who-- either their parents reside, so they're definitely a resident child according to our law's definition, or, as Senator Hunt referred to, a foster child, and they have been placed, say, in 66, but they're still the resident of OPS, for example, then this bill would say you have to continue to fulfill the IEP requirements for transportation. So, what's happening is there's a barrier, a geographic barrier-- it's being interpreted as a geographic barrier-- that says, yes, I know you're my child; I know you're a resident student, and I know that I am going to provide you the service, but not the transportation in the IEP. And that's the

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problem we're trying to solve, is when those situations happen that a student has been placed-- for example, I have a very vulnerable, very-- a challenging child that is so fragile that they need to be in residential care. So again, I'll use-- I'm from Omaha, I have to use Omaha examples, I'm sorry. Their parents live in Omaha-- in OPS, for example, but their child is actually hospitalized and living in Ambassador. The Omaha Public schools is still receiving--

HUGHES: Is Ambassador in OPS?

ELIZABETH EYNON-KOKRDA: Oh, I'm sorry, it's in District 66. So, it's right within Omaha, but it's, it's a little outside of the boundaries of OPS. Thank you. So, it's a, it's a challenge of saying if you're going to serve the child, serve them fully. You have the opportunity, for example, if the child moves to a place that's far away, DHHS usually will sit down and say that's not the best interest to go 90 miles, that's silly. But if we're very close, and the district has said, yeah, I can serve you, or I must serve you according to law, we want to make sure all parts of the IEP count, including the transportation aspects of the IEP. You had a question about option enrollment, and I know I'm almost out of time, but--

MURMAN: Later. Are-- any questions? You were done-- were you finished, or?

ELIZABETH EYNON-KOKRDA: Yea, that's it.

MURMAN: OK. Any questions? Yes, Senator Conrad.

CONRAD: Thank you, Chair. Thank you, Elizabeth. From your practice or experience-- and I know you're based in Omaha, but you work across the state as well. I just want to lift up kind of what I'm hearing back from Nebraskans is that option enrollment, particularly for kids and families with different learning needs, isn't a one-way kind of a street or approach where everybody's running to larger districts, where they may have more resources-- sometimes, they're going to smaller districts because they have smaller class sizes. Sometimes, it's because of where a parent's job is might be different than where the family resides. And so it-- logistically, it just might be easier for the family to be closer together during the school and work day. There can just be a, a lot of different reasons why, why families utilize option enrollment. And I, I was just wondering if-- are those some of the major instances you hear about in your practice? Are there other reasons that the committee should know about how these

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transportation components factor into families decisions in that regard?

ELIZABETH EYNON-KOKRDA: So, option enrollment is actually a little bit separate and apart.

CONRAD: OK.

ELIZABETH EYNON-KOKRDA: I'm, I'm struggling to recall the statute. I think it's 79-262 or -267, somewhere in there.

CONRAD: OK. I was thinking it was tied together. I'm sorry.

ELIZABETH EYNON-KOKRDA: Right. So-- well, there is a part-- so, what it says is if you're an option student and you come into the district and you've been accepted, right now, we actually are saying that if you option in and you have a-- transportation is part of your IEP, as part of option, the residence district is already providing it. So, in other words, we already are crossing some lines,--

CONRAD: OK.

ELIZABETH EYNON-KOKRDA: --for students with option enrollment. So, it does not become the burden of the option district to suddenly start providing a whole lot of transportation. I-- that is certainly not my understanding that's-- that is not the intent of Senator Hunt, I don't believe, and I don't think that that's what the language actually says. There is-- it does say in option enrollment, please see 79-1129. All right? Which has two parts: part A says serve all these people, part B says, basically-- the words are "within the district." It's-- you're supposed to provide transportation within the district. And the question becomes where those within the district come from. I actually went back and looked at the legislative history, and I went all the way back to '72, and in 1972, what everybody was worried about is getting more transportation. At that point in time-- I have it in my testimony-- what it had said is that-- the "within the district" words-- it's on the last page-- were related to residency of the children as opposed to a geographic limitation. What it said is that school districts were to provide transportation for children with special needs within the school district. Then, there was a discussion about making sure it was more equitable to give the-- we had school-- parents were getting reimbursed and say, driving all the way to Omaha School for the Deaf,--

CONRAD: OK.

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ELIZABETH EYNON-KOKRDA: --and only getting a limited piece of reimbursement. So the whole change in '72 was not about changing geographic locations, but somehow those three words "within the district" got shifted. There's no legislative history on that particular shift. But the challenge that also doesn't make sense is, if you say that, then is it my obligation as a district to go all the way to the border? And then the person from Ambassador brings the kid to the border, and that's where I pick them up and drive them to school when it's my child that I'm supposed to be providing the IEP for? The purpose of this is really just for kids with IEPs that require IEP transportation, which is different than general ed rules about-- for transportation.

CONRAD: That's helpful. Thank you. That it's much more narrow than perhaps I was thinking. I appreciate that history, too. Thank you. Thank you.

MURMAN: Any other questions for Elizabeth? If not, appreciate your testimony. Other proponents for LB507? Other proponents out, LB507? Any opponents for LB507?

JEFF SCHNEIDER: Last time today, I promise. Chairperson Murman and members of the Education Committee, my name is Jeff Schneider, J-e-f-f S-c-h-n-e-i-d-e-r. I'm the superintendent for Hastings Public, but I'm here on behalf of Hastings Public and the Greater Nebraska Schools Association, which represents about-- I think a little over-- or almost two-thirds of the students in the state. So, I'm here in opposition of LB507, the concern being the difficulty in delivering some of these services in some unique situations where a student-- this could cause significant travel outside of a district. We are already struggling to provide bus routes. I think this could further hinder that, and maybe-- after listening to that last testifiers-- I read the legislation, I read it as we're just required to deliver the transportation everywhere. And maybe I'm misunderstanding that, but that is not how I read it. It looks to me like we're-- if somebody's-- I'm in Hastings, if somebody is placed in Kearney, my job to get them to Kearney.

HUGHES: OK. That's how [INAUDIBLE].

JEFF SCHNEIDER: So, that's our concern. And, and we would like that to be considered when you're considering this. So, I'd be happy to try to answer any questions you can. I, I would say-- again, one of my concerns about this. In Hastings, we provide bussing door-to-door for special education students. If we get too many requirements, it's

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going to take the approach of we can't deliver this, let's offer mileage to families. That does not help a family who has a student in a wheelchair, because you need a lift. They can't just find a family friend to give them a ride. They need our bus to pick them up at the door. So, it's difficult to deliver that, but I think it's important that we deliver that. And so, if we get too many things put on us, we're not going to be able to deliver the services simply from a time standpoint. So, I would hope we would consider that. And again, I'll be the first to admit when I read language-- legal language, sometimes I might not understand it, but on behalf of the GNSA, we would ask you to consider that.

MURMAN: Thank you. Any questions for Mr. Snyder [SIC]? Senator Conrad.

CONRAD: Thank you so much, Chair. And thank you, Mr. Snyder [SIC]. And I was just wondering, in terms of internal process-- but when GNSA or others are evaluating the legislative bills and deciding how to come in, did you have a chance to reach out to Senator Hunt's office or the folks that she was working with on this legislation? Do you know? Because this has popped up quite a few times this year, where I think we're kind of talking past each other in terms of the, the language or the intent. And, and I just wonder if it's a good lesson for all of us, maybe, to touch base before the hearing, so that we don't have committee statements that reflect opposition if indeed there's no opposition, you know?

JEFF SCHNEIDER: So--

CONRAD: It's a little art and science, probably.

JEFF SCHNEIDER: Right. So, every Friday afternoon, as a GNSA legislative committee, we meet to go over bills. But sometimes--

CONRAD: OK.

JEFF SCHNEIDER: --the timing of hearings,--

CONRAD: Yes.

JEFF SCHNEIDER: I mean, we only have a couple of days. In my case, there's no lobbyist at Hastings Public Schools.

CONRAD: Right.

JEFF SCHNEIDER: You're looking at him. So, no, we didn't. And that's a fair question. We saw the hearing come up and thought we, we should

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state our point. And, and again, ask consideration. All these hearings that-- this is the third one I'm testifying in opposition to. And I can tell you, the intent we support.

CONRAD: Right.

JEFF SCHNEIDER: I do personally, our district does. I believe the GNSA does. We support the concepts. It's the way we have to deliver them that we're concerned about, so.

CONRAD: Yeah. That's fair.

JEFF SCHNEIDER: But good point. I think the point of this hearing is to create more conversation.

CONRAD: Yeah. And I-- I'm feeling under water this legislative session as well. So, maybe everybody's-- or maybe that's just me. I don't know.

JEFF SCHNEIDER: It's a lot of education bills for us to track, and most of us are running schools on the side.

CONRAD: Yeah, right.

MURMAN: Thank you. Any other questions for miss-- Mr. Snyder [SIC]? I've got just a quick one. Do you have any ideas on how to maybe correct this difficulty in-- with transportation?

JEFF SCHNEIDER: Well, I, I don't know if I do. We're trying to-- again, it comes back to the same thing I've said up here all day. Can we find people? We also have a considerable homeless population in Hastings. We're required to provide transportation; we are actually transporting more homeless students than we are special education students in our community. And so, we're having to struggle with that, so, no, I don't know that I have an answer. I wish I did. The one thing I do know is if we have a student placed outside of our community, we try to work with the family to figure out a way. But it-- but we have to figure out a way that's reasonable within the school day, and practical. But, but we have had situations where we've provided transportation to somebody, maybe going to a short-term facility for some type of care. We have provided that sometimes. We've worked with families on an individual basis, but I don't have a-- I wish I had a blanket solution to any of these challenges we've been discussing today.

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MURMAN: Well, thank you very much. And I do appreciate what Hastings Public does to, to serve special ed kids. But just one-- you reminded me of another quick question. So, the homeless population you serve, do you pick them up at a homeless shelter, I assume?

JEFF SCHNEIDER: Some of them. Some of them are based on, on our routes. We try to work out what makes sense. But if, if you're familiar with this, you'll have many families that live together out of financial need; that qualifies as homeless. So then, therefore, we may go to one particular trailer court area in town and pick up multiple kids at one spot. Some of them, it's door-to-door. It depends on, on the routes. We try to combine them and make sense, but it creates challenges.

MURMAN: I, I'm sure. Thank you very much. Any other questions? If not, thank you very much.

JEFF SCHNEIDER: Thank you.

MURMAN: Thank you for coming. Any other opponents for LB507? Any-- I asked for-- any neutral testifiers for LB507? If not, Senator Hunt, you're welcome to come up and close. And while she does, we had 10 proponents for LB507, 2 opponents, and 0 neutral testifiers online.

HUNT: Thank you, colleagues. I just want to clarify, this affects a very small number of students, and we're only talking about IEP transportation. We're not talking about option enrollment at all. These kids need transportation because of their disability, and because they were moved outside their home district, not because they optioned out. They are still legally a part of that district. So,--.

CONRAD: That's helpful.

HUNT: I think we're apples and oranges a little bit here. So, just wanted to clarify that.

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

HUNT: Thank you.

MURMAN: And that will close the hearing on LB507, and close the hearings for today.