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Education Committee  
March 14, 2017

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[LB568 LB630 LB650]

The Committee on Education met at 1:30 p.m. on Tuesday, March 14, 2017, in Room 1525 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB568, LB630, and LB650. Senators present: Mike Groene, Chairperson; Rick Kolowski, Vice Chairperson; Laura Ebke; Steve Erdman; Lou Ann Linehan; Adam Morfeld; Patty Pansing Brooks; and Lynne Walz. Senators absent: None.

SENATOR GROENE: (Recorder malfunction)...material that you would like distributed to the committee, please hand in to the page to distribute. We need 12 copies for all committee members and staff. If you need additional copies, please ask the page to make copies for you now. When you begin to testify, please state and spell your name for the record. If everybody remembers that, that's very important because we have transcribers who put all of the spoken testimony into written word and they need to be able to be accurate and spell your name correctly. That is why we ask you to start off by spelling your name, first and last name. Please be concise. It is my request that you limit your testimony to two minutes green light, one minute yellow light. We will be using the light system in front of the testifiers. We will be cutting you off at the...when the red light comes on. It's just a matter of decency that if you're lucky enough to be one of the first, you don't...you want somebody not here at midnight trying to be the last. So be concise in your testimony. Very unique what we do in this state that we have public hearings. So redundancy doesn't help the argument, repeating what somebody else said. We all our public schools. Everybody on this committee loves public schools. This is not an argument if somebody likes or dislikes public schools or public schools are doing their job. Everybody who works at a public school tries to do their job the best they can. Children try to learn. Repeating that schools are great does not help the cause. Try to have something unique to say that can influence the senators in the body of the Unicameral. I'm just telling you this for your own good. If you want to make a point, make it. We'll be here as long as we have to, to hear everybody. The committee members with us today will introduce themselves beginning at the far right. [LB568]

SENATOR LINEHAN: Good afternoon. Lou Ann Linehan, District 39 which is western Douglas County. [LB568]

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SENATOR KOLOWSKI: Senator Rick Kolowski, District 31 in southwest Omaha. Thank you. [LB568]

SENATOR EBKE: Laura Ebke. I've got District 32, the four counties to the southwest of here-- Jefferson, Thayer, Saline, and Fillmore. [LB568]

SENATOR ERDMAN: Steve Erdman, District 47, ten counties in the Panhandle and I'll spare from saying all of them. [LB568]

SENATOR WALZ: Lynne Walz, District 15, all of Dodge County. [LB568]

SENATOR GROENE: And I believe, I haven't been told otherwise, Senator Pansing Brooks from Lincoln and Senator Adam Morfeld from Lincoln also will be joining us. To my immediate left is our legal counsel LaMont Rainey. To my far right is the clerk I mentioned earlier who you hand your sheet to, Kristina McGovern. The pages are Lexi Richmond and Sam Baird. They're both students at the University of Nebraska. Please remember that senators may come and go during our hearing as they may have bills to introduce in other committees. That's probably why one or two of the senators are missing now. I'd also like to remind our committee members to speak directly into the microphone. Once you're done testifying, we've...you're done. I mean we make mistakes here, too, but if we ask you a question and you don't know the answer, do not turn around and ask somebody in the audience that you know knows the answer. Just say I believe somebody behind me is going to be testifying and they will be able to answer that question better than I. That's the best way to do it and that saves time. So do not try to answer questions you do not have the answer to. We will try, as the committee, to make sure we save the technical questions to the Department of Education representatives and hopefully when administrators or somebody that we know has expertise in an area, we'll try to reserve our questions for those folks instead of trying to put individuals on the spot just for interest of the time. But otherwise we're ready to start. Senator Erdman will start introducing LB568, change provisions related to temporary teaching certificates. [LB568]

SENATOR ERDMAN: (Exhibits 1-6) Thank you, Senator Groene. Thank you, committee, for hearing what I have to say. The light is a lot better over here, Mike, Senator Groene. So my name

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is Steve Erdman, S-t-e-v-e E-r-d-m-a-n. I come to you today with LB568. LB568 is what I call a temporary teaching...a substitute teaching certificate. As I was campaigning this fall and talking to the superintendents in my district, we came to the conclusion...they came to the conclusion and shared with me the fact that they have a real difficult time finding substitute teachers. And shortly after I was elected they sent a letter describing the short availability of substitutes and asked if there was something we could do. They sent a letter requesting that we look at a provision that would ease up some of the restrictions as far as the qualifications go and also extend the number of days that a person can substitute in a district. We have a very small pool of substitute teachers in western Nebraska. I don't know whether that's the same it is in eastern Nebraska. So henceforth, that's where the idea came from. So they're having difficulty finding substitute teachers, and in the Panhandle of Nebraska, we don't have a lot of people who have a college education looking for a substitute teachers job and so consequently there's a shortage there. Because of this, they ask to look at...asked me to look at three or four other states and the way they do their substitute teacher requirements. And the state that made the most sense to me was Wyoming. And we modeled this substitute teacher certificate after the state of Wyoming. I'm handing out to you...there will be an amendment that's coming along and it's just to clarify that this is a substitute teacher bill. And there's also a letter from Rick Myles. He's the superintendent of schools in Scottsbluff and also a letter from Jeff West. He's from ESU 13 in Scottsbluff. On the backside of the one letter and there's a list of the some of the superintendents who contacted me and asked me to do this for them. And so as we proceed to go forward, it was my intention that we would offer these people the opportunity to be a substitute teacher without 60 hours of college education. And that's one of the requirements now and right now the requirement is that they can't teach more than 45 days in one district. The department has, as I found out yesterday, has amended some of their regulations and they're going to ease up their standards on the 45 days and they're going to extend that to 90. I just found that out yesterday. But it doesn't ease up the standard on what the qualifications for a substitute teacher are. So if you want to get a lot of people to come out and testify on a bill just do something to education. And as you can see, the room will fill up. And so what will probably happen here is there will be probably a couple of us will testify in support of this bill and then they'll be numerous people telling us why we can't do this. And that seems the way it goes here. If it wasn't their idea, it's not too important. But I can tell you that those 20 superintendents on the backside of that page that are from those rural schools--Alliance, Banner County, Bayard, Bridgeport, Chadron, Crawford, Creek Valley,

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Garden County, Gering, Gordon-Rushville, Hay Springs, Hemingford, Kimball, Leyton, Minatare, Mitchell, Potter-Dix, Scottsbluff, Sidney, Sioux County--have a problem. And the problem is they don't have substitute teachers. And so when I began to look at this and I begin to see the significance of the problems that we have, the bill, what the bill basically says is that a substitute teacher must be 21 years of age, have a high school diploma, and then they will be trained in the district, district training in the district for at least 24 hours, and then they must be observed in 10 hours' classroom time in each subclass of the school that they're going to sub in, whether it's the junior high, grade school, or high school. And once they've done that, they also must pass a background check. And I also placed in that in the bill that they must pass a civics test on the U.S. Constitution and the Nebraska State Constitution. So I took the liberty of finding a test for both of those because as you see on your A bill, it was a significant charge there. It was like \$78,000 or whatever it was to make up the test. So we took it upon ourself to do that for them so we can save the department a little money. And so that's why we did...that's why we did what we did. I don't know how it can cost \$78,000 to do up a test that you can do in three or four hours, but irregardless, that's what it is. So you have all that information and those two constitutional study guides as well as the questions are there for your review so they could be used if they would desire to do so. But I want to I want to draw your attention to some of the comments that Superintendent Myles made from Scottsbluff and his comment on the front of his letter in the third paragraph says: In many communities, the number of college-educated people who are looking for work the annual wage of a substitute teacher is short of the number of substitutes that we need. They just can't find the people. They're just not there. They're doing something else, and especially with the 45-day-a-year requirement if they're looking for a part-time job, that's not enough to consider that a part-time job. He goes on to say: An example, so far this school year as of March 7, this year, March 7, Scottsbluff Public Schools alone has had 97 unfilled positions. On one day in October we had eight unfilled positions. On 52 different days we had at least one teacher position unfilled due to lack of available substitutes. What that means is that students may have to be...may have had no music or PE teacher because he or she had to cover a class or their counselor wasn't available or the principal had to cancel all of their obligations or the classes went to the library or in some other way the staff time for the school services were shut down for the day because they didn't have substitute teachers. He goes on to say: With the passage of LB568, a district could choose to exceed these requirements and select substitutes based on local discretion as they can now. Nothing would prevent a school district

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from only hiring pool applicants who had a college degree, for example. So what this bill does, it doesn't require them to hire someone with a high school education. It allows them to do that. If a district wants to hire somebody with more education, that's their privilege. It doesn't restrict them from doing that. He goes on to say: Scottsbluff Public Schools now is paying \$150 a day for substitute teachers and they struggle to attract enough applicants to fill their positions. That's a significant number up higher from when I was on the school board, we paid \$100. And I don't know what Mr. Miller pays today. It was \$90 or \$100 back then. The superintendent from my home school has driven all the way here from Bayard. He had a school board meeting last night and it's 385 miles from his house to this house. And he's here today. He drove after the meeting last night to get here. He's here to share his comments. This is a very serious situation for our district, for rural districts out west. But sometimes what happens in Lincoln is one size does not fit all. And I'm going to ask Travis Miller to come and share that with you and he'll be able to explain. So accompanying the letter on the back of that page I read to you those schools that sent me that, those superintendents who requested that we do this. And so it was because of their initiative to write to me and ask me what can we do to help, and that is why I brought this bill and I would stand for any questions you may have. [LB568]

SENATOR GROENE: Thank you, Senator Erdman. Any questions from the committee? Senator Kolowski. [LB568]

SENATOR KOLOWSKI: Thank you, Mr. Chairman. Senator, thank you for bringing this and for the material that you passed out to us. I wanted to ask on the numbers that you had for the one district, how many people had been out of their teaching position those particular days, do you have that for all the districts, or have you collected it? [LB568]

SENATOR ERDMAN: I do not. I do not. [LB568]

SENATOR KOLOWSKI: Okay. That was which district you talked about? [LB568]

SENATOR ERDMAN: Scottsbluff, Scottsbluff Public Schools. [LB568]

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SENATOR KOLOWSKI: Okay. Thank you. And would you be able to get that as far as some additional information over time that we could see the size of the problem and how that's (inaudible)...? [LB568]

SENATOR ERDMAN: I would assume I can, Senator. And I'll ask that question, but I believe if they have it, everyone probably has it as well. I have several friends who are substitute teachers and they said they could teach every day. Every morning their phone rings about 6:00 every morning. [LB568]

SENATOR KOLOWSKI: And they have how many permitted at this time? How many days can they permit? [LB568]

SENATOR ERDMAN: 45. [LB568]

SENATOR KOLOWSKI: 45. [LB568]

SENATOR ERDMAN: In each district. [LB568]

SENATOR KOLOWSKI: The graduation...excuse me, the credit accumulation level was at 60 credits of college credit? [LB568]

SENATOR ERDMAN: Yes, that's correct. That's what it is now. [LB568]

SENATOR KOLOWSKI: And you want it just to be a high school diploma at the present time... [LB568]

SENATOR ERDMAN: High school diploma, yeah. [LB568]

SENATOR KOLOWSKI: ...with these other experiences that they've done. [LB568]

SENATOR ERDMAN: Correct, yeah. [LB568]

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SENATOR KOLOWSKI: They do various things. [LB568]

SENATOR ERDMAN: Correct. [LB568]

SENATOR KOLOWSKI: Okay. I appreciate that. Thank you. [LB568]

SENATOR ERDMAN: Yep. Thank you. [LB568]

SENATOR GROENE: Senator Walz. [LB568]

SENATOR WALZ: Thank you, Chairman Groene. Thank you, Senator Erdman. Is there a limit as to how many days in a row the teacher can teach? [LB568]

SENATOR ERDMAN: You know, I don't know that. I know that they're restricted to 45 days and Mr. Miller, when he comes up, may be able to answer that for you. [LB568]

SENATOR WALZ: So if a teacher went on maternity leave, would that include this person to be able to...? [LB568]

SENATOR ERDMAN: Well, they would fit in the 45 days right now. But Mr. Miller will be able to answer that. [LB568]

SENATOR WALZ: All right. Thank you. [LB568]

SENATOR ERDMAN: Thank you. [LB568]

SENATOR GROENE: Any other questions for Senator Erdman? Thank you, Senator Erdman. [LB568]

SENATOR ERDMAN: I'm going to sit back there, Senator Groene, because there's no other place to sit. But I won't ask any questions, okay? [LB568]

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SENATOR GROENE: You can sit. [LB568]

SENATOR ERDMAN: Okay. Thank you. [LB568]

SENATOR GROENE: The first proponent. [LB568]

TRAVIS MILLER: Good afternoon. My name is Travis Miller; that's T-r-a-v-i-s M-i-l-l-e-r. I'm the superintendent of Bayard Public Schools and I'm also the father of five children who are currently attending Bayard Elementary School. I'd like to begin today by thanking Senator Erdman for bringing forward this bill on behalf of the schools that have this need. I believe that every one of our children deserve to come to our schools and have a safe and effective experience each and every day. I also know that in order for that to happen, we need our schools to be well staffed with competent, conscientious individuals and I do believe that LB568 helps school districts like mine continue to provide such an education. I'd like to tell you a little bit about my community and my experience in order to try and help you understand why this bill would be helpful. According to the Nebraska Department of Labor, the unemployment rate in Morrill County is 3.1 percent. The people of Morrill County are hardworking, industrious, and enterprising people. I'm proud of our employment rate. I'm glad that it's below the national average. The downside of that is that we don't have a lot of people looking for part-time work in our community. While almost 86 percent of the adult residents of my zip code hold a high school diploma, only 22 percent of those residents have a bachelor's degree. Between the small pool of people seeking work and the low percentage of adults with collegiate completion, it's very challenging to find people who are both interested to sub in our community and also who are able to meet the qualifications in order to substitute teach. We've tried to be creative in dealing with situations where we are not able to place substitute teachers. Options that we use include combining both sections of our elementary grades for the day, pulling a regular teacher from grades that have smaller numbers of students, combining those grades, and using our regular teacher as a sub in a different grade. We cancel physical education for the day and we combine our music classes. Sometimes we pull a para from his or her responsibilities with our special education students and use them to supervise groups of students for short periods of time. The principal regularly teaches in the classroom. And from time to time when they get really desperate, they even let me cover a class. In my opinion, none of these options are as good for



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the children as having a person who is dedicated to the learning of those children in that classroom for the entire day. I think this bill would enhance the capacity of schools to meet supervision and learning needs of our students during those times when our teachers are absent whether that be for illness, training, or other professional and personal reasons. In our community we have several paraeducators who we've entrusted the care of our children to for years. These people are experienced, dedicated, capable individuals who understand kids, understand schools, and spent many years observing qualified classroom instruction. I'd like to have the opportunity to use the skills of these wonderful people as substitutes in our schools. LB568 would create a pathway by which that could happen. Similarly it would allow us to train and utilize the skills of individuals in our community who do have higher education such as a bachelor's degree but who have not met the human relations or education training requirements. If LB568 were to become the law I think we could more effectively serve the needs of our kids. And I would encourage you to support this legislation. [LB568]

SENATOR GROENE: Thank you. Any questions from the committee? Senator Kolowski. [LB568]

SENATOR KOLOWSKI: Thank you, Mr. Chairman. Superintendent Miller, thank you. Appreciate it very much. Good to see you and thank you for your testimony. The one question I have I guess is the...we're currently at 60 credit hours for a substitute to be in your school district. And to go down to a high school diploma and have these other pieces that a person would have to jump the hoops on, is there a possibility if we stayed at 60 and you increased the number of days that a person could be in the classroom, would that be a help because your pool is only so strong in your area? Is that another alternative we could look at? [LB568]

TRAVIS MILLER: You know, I think that does help and actually the Department of Education, I really appreciate, they've recently made some adjustments that increase that number. Really appreciate the good work that they're doing on behalf of all Nebraska schools. We still have a small number of people that have met that level of educational attainment that are available in the work force. So that does help. I'm not sure it fully addresses our need, but I'm excited that they've made that adjustment. [LB568]

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SENATOR KOLOWSKI: And I'm not opposing the possibility of high school and the other hoops to jump here to get readiness to be in the classroom. But even in the metro areas when flu season is on, we're all struggling, And it's a real challenge to cover classes in that way. So those...we both have situations that have defined us over time for the most part. But thank you. I appreciate that. [LB568]

TRAVIS MILLER: Yeah. Thank you. [LB568]

SENATOR GROENE: Any other questions? Senator Walz. [LB568]

SENATOR WALZ: Thank you, Chairman Groene. Thanks for coming today. I'm going to ask the same question I asked Senator Erdman. Is there a certain amount of days that can be consecutive, like would this person be able to take over a whole maternity leave? [LB568]

TRAVIS MILLER: Yeah, currently that's the way the local substitute certificate works. There's no limitation on consecutive days that I'm aware of. Now the reality is that when we have somebody going on maternity leave, for example, I have twins that are in sixth grade. One of their teachers going on maternity leave the 1st of April. We're excited to have enrollment increase by one in about six years. (Laughter) But, you know, when she goes on maternity leave, we're going to hire the most qualified person we can for that because the education of those kids is important. So we have somebody with a regular teaching degree who is currently not in the work force who's going to be taking that assignment. We're going to make the best assignments that we can based on the needs of our kids and the qualifications of the individuals and the quality of work we see them provide in our district. So I don't believe there would be to give limitation on that. But we are going to put the best person we can in those long-term substitute situations. [LB568]

SENATOR WALZ: All right. Thank you. [LB568]

SENATOR GROENE: Senator Pansing Brooks. [LB568]

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SENATOR PANSING BROOKS: Thank you. Thank you for coming, Superintendent. I was wondering if there...have you done anything with distance learning or any kind of (inaudible)? [LB568]

TRAVIS MILLER: Yeah, actually our district, our high school a couple years ago received more distance education than any other school in the state. And that's a critical access issue for us in our school is the ability to provide a rich curriculum to our students through the Distance Learning Network. I'm not sure how that would work in a substitute capacity, but that is something that we're really trying to utilize is those distance learning opportunities at the high school level. [LB568]

SENATOR PANSING BROOKS: Okay, because it just seems like that's sort of the way things are going a little bit and I know that the western part of the state is having difficulty with a number of different careers, attorneys out there and other different professions. And so the Supreme Court is looking at bringing in videos, Skyping with clients and things like that so I just think...I'm wondering if...can you speak to the idea of why a high school education is sufficient. [LB568]

TRAVIS MILLER: You know, I guess what I would say is I don't want to do anything that chips away at the professionalism of education that's the profession that makes every other profession possible. However, we are chipping away at the education of our children when those classrooms go unfilled. I think this bill provides a reasonable level of training that allows us to provide some consistency and quality at local level. And the fact is with a substitute teacher, if the person isn't providing a quality experience, we just don't ask them back. [LB568]

SENATOR PANSING BROOKS: I guess what I'm...did you help craft this bill or were you...? [LB568]

TRAVIS MILLER: No, I'm just one of the superintendents that, you know, has a need. [LB568]

SENATOR PANSING BROOKS: Is supportive. [LB568]

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TRAVIS MILLER: I believe the bill is based on what's being done in Wyoming. Superintendent Myles in Scottsbluff has studied the issue much more deeply than I have and I know he looked at what several other states have done. And I know he was a proponent of the Wyoming approach. He'd been a superintendent Colorado as well. [LB568]

SENATOR PANSING BROOKS: Okay. Thank you very much for coming. I appreciate it. [LB568]

TRAVIS MILLER: Yeah. Thank you. [LB568]

SENATOR GROENE: Senator Linehan. [LB568]

SENATOR LINEHAN: Thank you, Mr. Chairman. Thank you very much for coming all the way across the state today in the snow and the ice. What happens...I know this is flu season. Kids are sick. Mom, Dad, the teachers can't come. Somebody (inaudible). What happens when you're two or three people short and you already have a job for the day? [LB568]

TRAVIS MILLER: Those are the situations when we when we combine. We do...I know you're interested in testing. We do DIBELS testing for our students. We pull our regular teachers and those testing days, we use them to provide that assessment. That's an example of a day when we'd have several teachers that had other responsibilities. And so on those days or days when there's a flu, those are the times when we cancel PE, when the principal is the teacher, when they put me in those situations, too, which I actually enjoy the opportunity to work the kids. But it does diminish the operational capacity of the building during flu season or during you know those professional development opportunities that are only available on a weekday and we have to send teachers to get that knowledge and that training. Those days do happen regularly. Jury duty is also an issue. My son is a second grader. He has a wonderful teacher. We use her to help with our testing. She's also a track coach, wonderful collegiate athlete, and she had the benefit of being selected for jury duty. So between those different obligations, she was out of the classroom 16 times in 2016. And that's just one teacher. We have lots of stories like that--the impact of a lot of factors causing a need for substitute teachers. [LB568]

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SENATOR LINEHAN: And it's a...or is it a...because we spoke at lunch not that long ago, you found it to be a challenge to get teachers full time, right, sometimes? [LB568]

TRAVIS MILLER: Oh, absolutely. As an example, we did not have a single regularly endorsed applicant for an English position. So we brought one of our elementary teachers up to the high school level. She's doing a wonderful job. Same thing in mathematics, we brought a elementary teacher with a middle-grades endorsement into our high school to teach mathematics because we didn't have applicants. We went for a year without a Spanish teacher because we didn't have a single applicant. You know, applicants for regular positions is a challenge as well. [LB568]

SENATOR LINEHAN: Thank you very much. Appreciate it. [LB568]

SENATOR GROENE: Any other questions? [LB568]

SENATOR KOLOWSKI: One last one. [LB568]

SENATOR GROENE: Go ahead. Senator Kolowski. [LB568]

SENATOR KOLOWSKI: Thank you. Superintendent Miller, on the...how many teachers in your district as a whole? [LB568]

TRAVIS MILLER: 38. [LB568]

SENATOR KOLOWSKI: Certificated. [LB568]

TRAVIS MILLER: Yeah. [LB568]

SENATOR KOLOWSKI: I know in other districts depending on size, they have a full-time sub that moves around because it's not just illness or pregnancy or court days or whatever else or being a jury, but other things can happen with a lot sports and all the rest, they have a full-time sub in their district. And that person moves around and fills that role as a full-time person. Would that help if you had someone like that? Are you needing someone every day? [LB568]

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TRAVIS MILLER: No, it's not every day. It's when we have multiple people gone on the same day. And we've talked about that. Our total sub costs last year as a district were about \$58,000. [LB568]

SENATOR KOLOWSKI: Sure. [LB568]

TRAVIS MILLER: And so I could pay one person and by the time they have their insurance, I'm about \$58,000 and then I got to hire all the other positions. So we've looked at it. I'm not sure it's fiscally responsible and in my situation. [LB568]

SENATOR KOLOWSKI: Sure. Appreciate that. Thank you. [LB568]

TRAVIS MILLER: Yeah. [LB568]

SENATOR KOLOWSKI: Smart answer. [LB568]

SENATOR GROENE: Any other questions? Do you have a para in every room, grade school? [LB568]

TRAVIS MILLER: Oh, we wish. (Laughter) [LB568]

SENATOR GROENE: How many do you have? [LB568]

TRAVIS MILLER: At the high school we have one para who helps in the library. She also has a responsibility for distance learning and supervising students in our distance learning room which is adjacent to the library. [LB568]

SENATOR GROENE: How about the grade school? [LB568]

TRAVIS MILLER: And then we also have a special ed para in the high school. In the grade school I believe we have about five paras and they have special education responsibilities, and then one also is assigned to the library. [LB568]

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SENATOR GROENE: How many of those paras could qualify now as a substitute teacher?  
[LB568]

TRAVIS MILLER: Actually, two of them. We're cannibalizing our own staff because two of them have been able to earn that certification and so we've pulled them from their paraeducator responsibility and use them as subs when we can. But all of them would be able to earn that certification. [LB568]

SENATOR GROENE: Would that be your first line of defense, those paras, because you knew them... [LB568]

TRAVIS MILLER: It...absolutely. [LB568]

SENATOR GROENE: ...they were there, they understood the classrooms, the kids knew them.  
[LB568]

TRAVIS MILLER: Yeah, and then we'd hire substitute paras. [LB568]

SENATOR GROENE: And then you would hire substitute paras. [LB568]

TRAVIS MILLER: Absolutely. [LB568]

SENATOR GROENE: So wouldn't that be the first line... [LB568]

TRAVIS MILLER: Yes. [LB568]

SENATOR GROENE: ...because of the continuation, that the kids know the paras, the paras know the kids, continuation of education wouldn't have such a...when a stranger comes in their room--I don't think it's changed since I was kid--nothing happened. [LB568]

TRAVIS MILLER: Yes, yeah. [LB568]

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SENATOR GROENE: No matter how many degrees the sub had. But anyway, so I was just wondering if that would be the first line of defense to try to get all of your paras and small school districts would try to get their paras as a local substitute. [LB568]

TRAVIS MILLER: We would start that right away. [LB568]

SENATOR GROENE: You said something earlier about bachelor's degree, somebody with a bachelor's degree. They can already do that, right? [LB568]

TRAVIS MILLER: You know, that's interesting. Depending on their...whether they've had a human relations or education class, they may or may not be able to. I had three people with bachelor's degree, was a wonderful opportunity this year at the beginning of the year. One had a degree in chemistry, one had a bachelor's in sustainable community agriculture, and one had a degree in psychology. None of them could get immediately qualified to be a local substitute. One of them took an eight-week class and became available in January. We hired her to be a para. She's one we've been using as a sub. Another one I got the conditional permit yesterday. She has a degree in psychology. We're using her as a bus driver and a para. We're starting this week to use her as a sub. The one with the chemistry degree I actually could have placed in a classroom through the transition to teaching program if I had a regular opening in a chemistry class, but I couldn't hire her as a substitute teacher. [LB568]

SENATOR GROENE: What was lacking? [LB568]

TRAVIS MILLER: The human relations and education training classes. And so through Chadron State College, they can take an eight-week class. The one with the chemistry degree, while we're waiting for her to get her eight-week done, she takes a job at State Farm. And so we lost out on her. [LB568]

SENATOR GROENE: All right. Thank you. [LB568]

TRAVIS MILLER: Yeah. Thank you. [LB568]



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SENATOR GROENE: Any other questions? Thank you. Next proponent. How many folks are here to testify on LB568? Three more. All right, thank you. Next proponent come on forward. Any more proponents? Make sure you come...if you're testifying on a bill and those seats are empty, the first people up there, that's who goes first so we can move this along. [LB568]

JOHN SCIARA: I didn't realize there would be no other proponents. [LB568]

SENATOR GROENE: Well, that's...nobody does. So if those seats are empty, move up, proponent, opponent, whatever, so we can keep continuation. Go ahead, sir. [LB568]

JOHN SCIARA: My name is John Sciara, J-o-h-n S-c-i-a-r-a. I wasn't intending to originally testify for LB568, but I thought that my experience could actually help with some understanding of this. I spent 12 years in the Air Force, 8 of those years I was an instructor. I taught jet engine mechanics, a class of 14 students, two weeks at a time for eight years. In my case, I do...I'm three credits short of a bachelor's degree. If I don't acknowledge that, because it's with Creighton University, Senator Crawford would probably call me on it. But I'm sure that there are other military people who have plenty of years' experience teaching in front of a class who may not have an associate degree or a bachelor's degree but would probably be a good qualified person to work as a substitute teacher. So the whole thing I was wanting to identify is there is a pool possibly of some type that could be eligible under this bill. [LB568]

SENATOR GROENE: Thank you. [LB568]

JOHN SCIARA: That would be about it. Any questions, please? [LB568]

SENATOR GROENE: Any questions for him? Would you consider being a substitute teacher if you could? [LB568]

JOHN SCIARA: I looked a little bit into it, and again, because of the requirements to go from being a military instructor to civilian instructor, I wasn't quite sure of all the requirements but I did know I didn't quite qualify. And I just wasn't sure if I'd look into it. I might have qualified to

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be a substitute and I didn't take the time to look at that. But I can see where this bill could be able to take people from that kind of a pool. [LB568]

SENATOR GROENE: Thank you. [LB568]

JOHN SCIARA: Thank you. [LB568]

SENATOR GROENE: Any other questions? Next proponent? No more proponents? We have two letters of support for LB568, no names there. Opponents? Just the first one up. We're very unorganized here. We don't want anybody pushing and shoving, but if there's an open seat grab it because it's the next one up testifies. Thank you. [LB568]

BRIAN HALSTEAD: (Exhibit 7) Good afternoon, Senator Groene, members of the Education Committee. For the record, my name is Brian, B-r-i-a-n, Halstead, H-a-l-s-t-e-a-d. I'm with the Nebraska Department of Education. The State Board and the department are opposed to the bill primarily because of the requirement only that they have a high school diploma. What I'm having distributed to you is a copy of the hearing draft of Rule 21 which is the regulations for the issuance of all of the certificates and permits that are currently allowed under both the state statutes and what the State Board of Education has promulgated. In Rule 21 that's now at the Attorney General's Office for review because that's the Administrative Procedures Act. Once the board approves a rule change, the Attorney General has to review it, and then the Governor gets a chance to review it and sign it. What the State Board did do with their March meeting was remove the limitation on a state substitute permit. There used to be a 90-day limitation. Now there is no limitation on an individual who holds that type of permit. The other one that's been talked about here is what's called the local substitute permit which had a 45-day limitation for a person in one school of employment. The State Board raised that to 90 days. They also added the language in there that allows the commissioner to waive the 90 day if a school district can show a need for that person to be in that position. The current statutory setup has the Legislature in Section 79-805 through 79-815 setting the basic parameters, both the minimums and the maximums, that the State Board as a body can promulgate the rules and regulations for certificates and permits. So in that regard there's a great deal of flexibility. I don't have enough time in two minutes to walk you through everything in Rule 21 and the flexibility. One of the

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things I heard was, well, they have to take a human relations training course. That's not accurate. They can. If they have work experiences, document their work experiences that meets the statutory definition this Legislature has set for human relations training. So some of this may be a misunderstanding by people. There are also on-line human relations training courses available. I don't know as to whether those are available at Chadron State or some of our western institutions, but I am aware that there are some in eastern Nebraska that you can take that course on-line. It only is a one hour credit course. I'm going to stop and I will answer any questions you want about certificates and permits that can be issued by the Department of Education. [LB568]

SENATOR GROENE: Senator Pansing Brooks. [LB568]

SENATOR PANSING BROOKS: I can't find what you're talking about in here. [LB568]

BRIAN HALSTEAD: Yes. [LB568]

SENATOR PANSING BROOKS: Can you say the page number. [LB568]

LaMONT RAINEY: Page 18. [LB568]

BRIAN HALSTEAD: Now as you can see, there's quite a bit in Rule 21 one as to the requirements and everything else. So in the sense of the state substitute, starts on the bottom of page 17, the local substitute is over on page 18. And you can see I gave you a color version of the legislative form. The State Board struck the 90-day limitation. A person with a state substitute certificate at one time in their life had graduated from a standard institution of higher education, at a teacher ed college, and for whatever reason left the teaching profession and wasn't actively involved in it. They can apply at any time after that and immediately get a state substitute. The local substitute which is on the next page, the State Board created that in 1997 because at that point in time there were issues about school districts being able to find substitute teachers. And the board at that time decided, you know what, there needs to be some flexibility and they chose at that point 60 hours of college credit not in any particular area, does not require an associate's degree, although 60 hours at a community college can gain you an associate's degree. But 60 hours of college credit plus the statutory requirement of human relations training

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and you can get a local substitute permit which is what I think has been primarily talked about here in that regard. So what they've done in this rule is raise that to 90 days in one school system. So you can have multiple locals working for multiple school districts and the day limitation only applies to the local school system you're in. [LB568]

SENATOR PANSING BROOKS: Okay. I'm still asking. So could you speak to the idea of a high school degree rather than... [LB568]

BRIAN HALSTEAD: Well, the State Board did not believe that going to just a high school diploma was sufficient academic knowledge for a person to be in the classroom teaching students. They are certainly not unaware of the shortage issues that are going on in the state and they are not just in Morrill County or in Scotts Bluff County. There are difficulties some school districts in eastern Nebraska are finding. Some of that is driven I would say by, number one, our state has a low unemployment rate. We've got lots of people working which is a great thing. Unfortunately, finding people who want to work part time on not a set schedule and your availability is based on a phone call that morning as to whether you're working today or not, it's getting harder and harder to find people who want that type of employment. It's a challenge. Senator Kolowski was absolutely correct. There are some school districts who employ full time staff whose only role is substituting throughout. Now that may not work in all of our school districts because the challenges about just the population in the areas that we have. Those are things the State Board is willing to look at. The very same communications that started this that Senator Erdman got from the ESU 13 people are the same ones that the commissioner got and we responded based on what we thought would be best policy and the state board adopted that. We're open to the discussion with all of the superintendents in the state as to availability and other strategies. That's sort of the, what I'd say, the good parameters that are already in the law. This Legislature has told the State Board you deal with these on a day-to-day, month-to-month basis and everything else and the flexibility that you provided in the statutes allows them to make adjustments as are needed. [LB568]

SENATOR PANSING BROOKS: So obviously you've heard problem and understand the problem. What's the Department of Education doing to help with that problem, because...? [LB568]

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BRIAN HALSTEAD: Yeah. Well, obviously amending the rule to provide greater flexibility in people utilizing any form of permit they can get from us. Number two, we have for years been promoting the idea of paraprofessionals, actually getting them enrolled in colleges so they ultimately can be a full-fledged certified teacher, building and growing the own core of that because, guess what, we're finding it more and more difficult to find college graduates who want to go to work in schools, although there are still available numbers in that regard. There are other strategies we're looking at including alignment of courses, the distance learning, virtual education, better scheduling use, making sure if we're offering professional development from the Department of Education, we're doing that when we're not pulling classroom teachers out so that substitutes are needed, but sometimes scheduling all of that is not an easy thing to do. So there's a whole number of strategies. There's the loan forgiveness program this Legislature has enacted using lottery funds to try to build the pool of people who want to get into teaching to begin with which is many of the paraprofessionals. I think the superintendent mentioned he's used that. They actually have one now. That's a good way. Obviously where we have few people living, it's harder and harder to find people who want to live and work in those areas. That's a challenge. [LB568]

SENATOR PANSING BROOKS: Have you looked at what other states have done that is similar to this? [LB568]

BRIAN HALSTEAD: Similar to the shortage problem? [LB568]

SENATOR PANSING BROOKS: No, similar to the bill that is before us. He said Wyoming is... [LB568]

BRIAN HALSTEAD: Well, it is true. Wyoming has minimal requirements. I believe South Dakota has nothing. You can substitute with nothing in South Dakota. I don't know that that's been the philosophy of this Legislature or the state of Nebraska. Colorado does only require, I believe, the high school diploma. They do require the districts provide the training and have the resources to do that which may be challenging for some of our small school districts to provide the professional development directly. But that is one thing we certainly can look at, at the State

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Board level if there are others like the educational service unit being the training side for some of these instead of postsecondary education. [LB568]

SENATOR PANSING BROOKS: Well, the reason I'm asking is because it seems like there ought to be some triggers that what are allowed this to happen rather than...I mean if we start saying that those with a high school education can substitute it will become the easiest go-to for any district, including Lincoln and Omaha who do have better access. So that begins causing people not to need to have the training or certification that would be helpful. And I think it could have a detrimental effect in the long run. So couldn't there be triggers? Are there triggers around the United States, states that use triggers that might be like with X percent of the population and...I don't know. If you only have...how many teachers did they say? Thirty-eight, yeah. [LB568]

BRIAN HALSTEAD: In the district they have 38 staff. [LB568]

SENATOR PANSING BROOKS: And certain number are then sick then it triggers the ability even bring in more people at...you know, without that degree or certification. It seems like it could be a trigger type of thing in an emergency rather than just saying, okay, anybody with any kind of high school degree, you can teach your peers a year younger than you. [LB568]

BRIAN HALSTEAD: Well, I would say that's what the State Board tried to do in amending Rule 21 is take away some limitation and provide greater flexibility. And that's why the State Board is opposed to just a high school diploma being the only academics. That's why we don't think you should enact this bill. However, we also recognize that there are supply issues out there. Frankly this morning I was with the State Reorg Committee where the smallest school district in this state that has just 54 students K-12 reorganized with a neighboring school district. I don't know the challenges of that in a small community. More and more of our population is no longer living in the majority of the state. It becomes the challenge in a lot of areas not only just in education but all of the service providers that you're looking for, for families or children or anything like that. So the State Board is certainly willing to look at other options that are in Rule 21 that fit within the current parameters of statutes that are out there. [LB568]

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SENATOR PANSING BROOKS: And what about technology because clearly that is the wave of the future and clearly we can have people ready at a moment's notice to teach in areas that have more population that could be broadcast to areas in high need? [LB568]

BRIAN HALSTEAD: Well, that's certainly a concept. But again, it's the do you know today... [LB568]

SENATOR PANSING BROOKS: It's not just a concept. It's coming. It's coming. [LB568]

BRIAN HALSTEAD: No, but this morning you don't have your third grade teacher. Can you quickly find on-line a third grade teacher that's going to be available that you can broadcast into your third grade classroom? That's not a simple task to complete. [LB568]

SENATOR PANSING BROOKS: Well, it seems like the Department of Education could be working towards that goal. [LB568]

BRIAN HALSTEAD: We have certainly been working a great deal on the use of virtual education and those tools. And that's not an alternative that can't be utilized. I think, however, you're still going to have to deal with not the one day and obviously the multiple day. The other point I would make, it is only the local substitute permit that has any limitation on the numbers of substitute teaching anymore. All of the rest of the permits in Rule 21, you can teach as many days as you want to under them. So I want to make it clear. There's no limit on substitute teachers. It's only the people who have the local substitute permit that have a limitation. And as you can see, the commissioner can waive that if a case is made by the school district they need a person for a little bit longer. We certainly would like to have well-qualified people in front of the children each and every day. [LB568]

SENATOR PANSING BROOKS: Thank you. [LB568]

SENATOR GROENE: Senator Linehan. [LB568]

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SENATOR LINEHAN: Thank you, Mr. Chairman. Thank you, Mr. Halstead, for being here. Do you remember when...I know decades ago but I don't know exactly how many decades ago, if you graduated from high school and started to teach, you could start teaching and start going to college at the same time? Do you know when they completely did away with that program? [LB568]

BRIAN HALSTEAD: Oh, I do not know that. I know the normal schools of that time but you now call the State Colleges of Nebraska that would have been the era of that. My guess is that went away post World War II, but I'd...we'd have to... [LB568]

SENATOR LINEHAN: Well, it was way past post World War II because I'm not that old. (Laugh) [LB568]

BRIAN HALSTEAD: Yeah. So in the sense...maybe it's post World War I in that regard. [LB568]

SENATOR LINEHAN: No, no. I think it was... [LB568]

BRIAN HALSTEAD: Vietnam. [LB568]

SENATOR LINEHAN: ...clear into the seventies. [LB568]

BRIAN HALSTEAD: Right. [LB568]

SENATOR LINEHAN: It had to be sometime in the eighties when we... [LB568]

BRIAN HALSTEAD: The current statutes that are in place that drive all of certification were started in 1964. [LB568]

SENATOR LINEHAN: I know. But we had those teachers who taught and went to college at the state teachers colleges up into the eighties. So it's not been that long since we didn't demand a four-year degree. [LB568]



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BRIAN HALSTEAD: Well... [LB568]

SENATOR LINEHAN: So we go back and check the record. [LB568]

BRIAN HALSTEAD: Right, right. It may have been in response to A Nation at Risk in 1984 where we... [LB568]

SENATOR LINEHAN: That could have been. That makes sense. Okay, so currently do preschool teachers have to have a four-year degree? [LB568]

BRIAN HALSTEAD: If you're a teacher in an early childhood education program that's run by a school district, you have to have a certificate or permit to teach in the early childhood education program, yes. [LB568]

SENATOR LINEHAN: So somebody with high school degree couldn't work at a preschool? [LB568]

BRIAN HALSTEAD: Not be a teacher in a school-district run early childhood education program, no. [LB568]

SENATOR LINEHAN: But they could work there. [LB568]

BRIAN HALSTEAD: They can work there, sure, in a para role or any other role for that matter. [LB568]

SENATOR LINEHAN: But they couldn't sub preschoolers. [LB568]

BRIAN HALSTEAD: They could not be a substitute teacher. [LB568]

SENATOR LINEHAN: So do most of the substitute teachers come from the retired teacher pool, is that where most of them come from? [LB568]

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BRIAN HALSTEAD: I don't know that I can answer that. We get reports every year from school districts on every person they've utilized as a substitute teacher, so we would have data on file as to who those people all are and where they are in their age or life span. We could probably try to find a...produce a report. We could base it off their age and everything in that regard. We don't know what their other life work is if they're substituting in a school district. They may have full-time jobs elsewhere or part-time jobs. [LB568]

SENATOR GROENE: Thank you. [LB568]

SENATOR LINEHAN: Okay, just one more question. I'm sorry. But can you explain the human relations training. What is that? [LB568]

BRIAN HALSTEAD: It's as your statutory definition says. It's over on...and it's the same definition in 002.18 as it is 79-806. [LB568]

SENATOR GROENE: What page is that? [LB568]

BRIAN HALSTEAD: It's on page...I'm sorry, it's on page 2 of the rule, hearing draft of the rule. I'm sorry, Senator. [LB568]

SENATOR LINEHAN: Is it a college course? [LB568]

BRIAN HALSTEAD: It means, "course work or employment experiences that lead to (a) an awareness and understanding of the values, lifestyles, contributions, and history of a pluralistic"... [LB568]

SENATOR LINEHAN: Brian, I can read it. [LB568]

BRIAN HALSTEAD: Right. [LB568]

SENATOR LINEHAN: Just tell me where it is. [LB568]

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BRIAN HALSTEAD: It's on the bottom of page 2. [LB568]

SENATOR GROENE: Human relations training. [LB568]

BRIAN HALSTEAD: It's not just coursework. That was one of the changes the Legislature made in 2003 that provided greater flexibility. [LB568]

SENATOR LINEHAN: Thank you. I got it. Thank you. [LB568]

BRIAN HALSTEAD: You bet. [LB568]

SENATOR GROENE: Senator Kolowski. [LB568]

SENATOR KOLOWSKI: Thank you, Mr. Chairman. Brian, on the 24 hours of in-service training, you touched on the possibility of using...my concern is one of uniformity of instruction and the wherewithal of what they're getting as far as the number of hours that they're spending of those 24 hours. The role of the ESUs, the community colleges can certainly be enhanced with that, is that not possible? [LB568]

BRIAN HALSTEAD: Oh, yeah, in the sense of it would be...the bill doesn't say who provides the 24...the hours. So that would need to be clarified if the bill is going forward. Our presumption was I think when we wrote the fiscal note, if you were expecting us at the department to provide that training, that would add a cost that isn't covered by the fee, the presumption I've taken from this is that was a local school district that provided that in-service training. But what actually constitutes in-service training may need a little more wording because I'm not sure we all would necessarily know it when we saw it. [LB568]

SENATOR KOLOWSKI: And on the other hand with that, every district doing it its own way could lack expectations, a common expectations that would be going across to everyone across a wider range of districts. The 20 or so districts we have listed on the sheet here alone, there would be 20 different ways of doing this compared to being delivered by ESU or by electronic means to a district, something of that nature. I think we're very sympathetic with the issue. Trying to get

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certified or prepared teachers in the classrooms is a major, major issue anywhere in the state. But I certainly have a little bit of the trouble with just a high school diploma. But I'm sure those things can be discussed. I thank the senator for bringing this up and I think it's a very important issue that we try to get resolved as best we can. Thank you. [LB568]

BRIAN HALSTEAD: Sure. [LB568]

SENATOR GROENE: Other questions? Do you track historically absenteeism by...or let me put it this way, substitute teacher days that each school district has? [LB568]

BRIAN HALSTEAD: Each school district at the school year reports to the department all of the substitute teachers they've employed during the school year... [LB568]

SENATOR GROENE: That ain't what I asked, the equivalent of time. [LB568]

BRIAN HALSTEAD: ...and the number of days they were working in the school district. We do not track on a daily basis, nor do they give us the calendar for which days of the school calendar this teacher was a substitute. It's an aggregate count at the end of the school year. The school districts... [LB568]

SENATOR GROENE: On a full time equivalent days in a school district, depending on the school district, how many hours of course times the teachers, do you track how many hours are substitute teachers? [LB568]

BRIAN HALSTEAD: We do not track the hours a substitute teacher... [LB568]

SENATOR GROENE: Or days? [LB568]

BRIAN HALSTEAD: Days we would know as to... [LB568]

SENATOR GROENE: What has the trend been the last 20 years? [LB568]

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BRIAN HALSTEAD: I did not look or pull that data this morning. We'd have to go look at that to see if there is any trend data. [LB568]

SENATOR GROENE: Is there more absenteeism growing from our employees, or is because of all the extracurricular stuff that we keep adding that teachers are missing because of track meets and speech contests and... [LB568]

BRIAN HALSTEAD: What I can tell you is our data collection does not indicate why there was a need for the substitute, just in this case, Rick Kolowski was a substitute for one day at the Millard Public Schools. [LB568]

SENATOR GROENE: So you don't track... [LB568]

BRIAN HALSTEAD: Where, why, and all of that we do not collect from school districts. The districts themselves may keep track of that. [LB568]

SENATOR GROENE: I guess the question I'm asking you is the lack of substitutes or the more demand for substitutes? [LB568]

BRIAN HALSTEAD: And I can't answer that, Senator. It may vary from district to district. [LB568]

SENATOR GROENE: We talk local control. We had the superintendent from Bayard. Wouldn't a community member of a small town know exactly which high school graduate that he knew would make a good teacher, that they was a good community member, and that the first person he'd call and say, would you help us out? [LB568]

BRIAN HALSTEAD: You would certainly hope whoever is going to employ the individual has done some... [LB568]

SENATOR GROENE: Because a certification or taking a few classes doesn't mean that you're a good person or a good teacher. It means you took a class. Is that not true? [LB568]

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BRIAN HALSTEAD: Well, I...I'm not sure how to answer that. I would hope that if you've taken a class you've learned something from it. But I can't vouch for every class that's out there. I would... [LB568]

SENATOR GROENE: You said somebody with a bachelor's degree, all they have to do is prove a personal experience human relations training. So you're an employee of a bank in a town, an insurance agency, you're an agronomist at the local fertilizer dealership. You've got college degree, probably advanced courses. And they're corporation or their bank has a policy on experience that lead to an awareness of understanding the values, lifestyles, contributions, and history of a pluralistic society. They take a relationship course and they can prove they took it at the place of employment, that would fulfill this? [LB568]

BRIAN HALSTEAD: They don't even have to take a course. If they can write a narrative about their work experiences in life, whatever that work was that relates to the things this Legislature has defined or needed to have human relations training, that's sufficient. That was one of the flexibilities this Legislature granted back in 2003. Prior to that, you had to take a one-hour college credit course. In human relations training. You also had to pass a basic skills competency exam and you had to take a three hour credit course in special education. [LB568]

SENATOR GROENE: So if you, Bayard, Nebraska, has a crisis and they need a...and they know...and we have volunteer firemen in these small towns. They step forward. [LB568]

BRIAN HALSTEAD: Absolutely. [LB568]

SENATOR GROENE: And they created a volunteer teacher group that can take off work. The employer says, yep, the school needs you. You can go. What would be the first step? How would you be able to help that town identify five or six people and how quickly from today could they be a substitute teacher? [LB568]

BRIAN HALSTEAD: Well, in the sense of the minimum that's available is the local substitute permit. So if they have... [LB568]

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SENATOR GROENE: That's what they're looking for. [LB568]

BRIAN HALSTEAD: So if they have 60 college credit hours of any kind... [LB568]

SENATOR GROENE: They have that. [LB568]

BRIAN HALSTEAD: Okay. So the only thing they really have to do is fill out the on-line application at the department. If you have a credit card you can pay for it right then. The superintendent, and you heard Mr. Miller, if he makes a written request for a conditional permit, they could have that tomorrow. We're going to still need the documentation that follows up on the on-line application as to the college transcripts and the narrative for the human relations training. That's how quickly it can be done. Now as to a person putting that together or Superintendent Miller finding that person first thing this morning again getting that up and everything else, actually the statute that Senator Erdman's bill is amending under 79-802 already provided a 10-day working experience if you came from another state with some form of certificate or permit. So it is not time consuming if they put it in. [LB568]

SENATOR GROENE: Well, sir, I'm going to interrupt you because of time constraints. [LB568]

BRIAN HALSTEAD: Right. [LB568]

SENATOR GROENE: Superintendent Miller said the human relations training was the tripping point. But all he has to do is go on your Web site, that person does fill out and gives some personal experience that...of his life and his experiences in life. And who grades that and says this is okay? [LB568]

BRIAN HALSTEAD: Someone in our certification office would have to read the written narrative and compare what they say they've done in life and does that fulfill that requirement, yeah. Someone is going to have to read a written narrative which takes a little bit of time to do that. [LB568]

SENATOR GROENE: And he's comparing it to this paragraph, 002.18. That's it. [LB568]

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BRIAN HALSTEAD: Right. [LB568]

SENATOR GROENE: There isn't any... [LB568]

BRIAN HALSTEAD: No, there's...we may even have a form you can utilize to write the narrative in. But frankly you can just do that in an e-mail, that you can upload and attach to your on-line application. [LB568]

SENATOR GROENE: Thank you. [LB568]

BRIAN HALSTEAD: So I think some of this may be a mistaken perception, you have to take a college course for human relations training. No, the definition provides for work experience. So some of that may be a miscommunication. [LB568]

SENATOR GROENE: Who...we've heard this two or three times in legislation, that we already do this but people on the front lines don't know this. Whose responsibility is it to get to keep Superintendent Miller in the loop about these situations where they could just fill this out on-line? Apparently he doesn't know that. [LB568]

BRIAN HALSTEAD: Well, I do know Superintendent Miller. He does know a lot of things. [LB568]

SENATOR GROENE: Well, he does. Yeah. [LB568]

BRIAN HALSTEAD: As to whether he knew... [LB568]

SENATOR GROENE: That wasn't a criticism. [LB568]

BRIAN HALSTEAD: ...about the written narrative or not, I can't speak to that. In the sense of the information is on-line on our Web site. I know he knows my phone number because he calls me often and we have good conversation. So again, I can't speak for the 50,000 people out there that have some form certificate... [LB568]



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SENATOR GROENE: Thank you. We're not going to duplicate the questioning. [LB568]

BRIAN HALSTEAD: Yeah. [LB568]

SENATOR GROENE: Thank you for your testimony. [LB568]

BRIAN HALSTEAD: Sure. [LB568]

SENATOR GROENE: I'm going to ask the committee to have your questions ready and ask each testifier once because we're going to be really short of time. And I will do that also. Thank you. [LB568]

BRIAN HALSTEAD: You're welcome. [LB568]

SENATOR GROENE: Next opponent. [LB568]

MEL PONTIOUS: Good afternoon. My testimony is on the back of the...came with Mel Pontious on the front about LB630 and LB608 but on the back is LB568. My name is Mel, M-e-l, Pontious, P-o-n-t-i-o-u-s, and I'm here to speak about LB568. Because of the other testifiers, I won't need to go into the whole thing. So I would just like to point out this specifically leaves out the training requirement for human relations. And the high school diploma is a very, very alarming. The training that is specified in there will not prepare the student for the important work in the classroom. No knowledge of classroom control or student motivation or student diversity in both background and ability are required. Certainly the in-service training is insufficient to cover this. I understand that and I was told that Nebraska doesn't allow Teach for America grads in the state. If so, I reckon...I think that's very commendable. However, they have college degrees in addition to a modicum of training for classroom education. Even so, only a few are adequate and most leave after one or two years creating quite a churn in the turnover in the faculty. Nebraska should not consider putting teachers such as described in this bill in our classrooms. We're better than that here. The five-year certificate could possibly, according to this, be renewed throughout a person's teaching career. I don't know if that was meant that way or if that is indeed something that wasn't specified. I notice it wasn't specified in the bill that this

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is for substitute teachers, at least I didn't find that. In my view, this bill should not pass. And I think a previous testifier...testimony points that out I think very well. There are better ways to get this done. [LB568]

SENATOR GROENE: Thank you, sir. [LB568]

MEL PONTIOUS: That's all. [LB568]

SENATOR GROENE: Questions for the testifier? Thank you, sir. Any other opponents? Go ahead and start. [LB568]

BOB FEURER: (Exhibit 8) Okay. Hi, I'm Bob Feurer, B-o-b F-e-u-r-e-r. I'm a retired 7-12 science teacher of 37 years from North Bend Central Public Schools. I taught biology I and II, anatomy and physiology, earth science, general science, global science, seventh grade science, and weightlifting during my tenure. It took me five and a half years to earn my teaching credentials. I was a college football player and a wrestler and I could have graduated in four years with a comprehensive degree in biology, which would have been more than adequate to obtain a temporary certificate as outlined in the revision language of LB568. It took me another year and a half to earn my teaching credentials. I was required to take a series of classes related to the pedagogy of teaching, assessment, and the psychology of educating learners, as well as a semester of student teaching with an experienced cooperating teacher and supervised by a trained college professor. By the way, I graduated with honors in 1978 and then took a full graduate load in my final semester earning nine hours before I accepted the position at North Bend Central. I have to be honest, after five and half years plus those graduate classes, I was still not as prepared as I would like to have been to teach. I had lots of content knowledge but really needed even more preparation, training, and skills to be a good teacher. Anders Ericsson, a professor at Florida State University and who is internationally recognized as a researcher in the psychological nature of expertise and human performance, indicates that it takes ten years or 10,000 hours of deliberate practice to become an expert. I'd have to admit I should write a letter of apology to those students I taught during my first 10 years. (Laughter) I improved over the following years and was honored for that improvement by being named the Nebraska Teacher of the Year in 2011. But I understood I needed to improve my practice as a teacher early on. Just

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knowing stuff wasn't enough to give my students what they deserved. I continued to take coursework toward my master's degree in the first couple of years with yet more ed psych and content courses before spending two summers away from my very young children. Getting better was that important. I went to state conferences of the Nebraska Association of Teachers of Science, attended numerous workshops including the Nebraska Math and Science Initiative in '91 and '92--that was after I attended the NASA Educational Workshop for Math and Science Teachers in 1990. I continued to add graduate hours to my transcript. I have about 30 hours beyond my master's degree. I could have easily added many more hours had I chosen to pay tuition. Now I tell you that because I still had room to improve to be better for my students even after all that deliberate practice over my 37 years. I found the following description of coursework required for a degree from the University of Nebraska to teach secondary science. And I'm going to skip to the second paragraph on the back page. I worked with a student teacher that was...had a broad field endorsement from the university and he told me he wasn't ready as he student taught. Students admitted to the teacher education program in the department of...thank you. Questions? [LB568]

SENATOR GROENE: Any questions from the committee? Thank you, sir. [LB568]

BOB FEURER: You're welcome. [LB568]

SENATOR GROENE: Any more opponents? [LB568]

JENNY TYNER: Hello, my name is Jenny Tyner, J-e-n-n-y T-y-n-e-r. I've never done this before. I'm terrified. So that's why my voice is shaking. Okay. Whoo! Okay. I was an LPS substitute teacher for the previous past two years. Prior to that, I taught public school in New York City and I have a bachelor's in vocal performance and a master's in music education and now I'm a full-time vocal music teacher at West Lincoln. Also, the opinions that I state do not in any way reflect the opinions of my school. Okay, now...I'm still breathing. Okay, the whole time that I subbed I also ran my own music studio, private music studio because I couldn't make it financially work to just substitute. So I understand that. It is not a full-time job. That's not what it's meant to be. You do wake up at 6:00 and say yes or no to that phone call. So that wasn't my main bread and butter. I had to do two things and a lot of people maybe work in restaurants.

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That's what they do. And I understand that in rural Nebraska there's obviously a strong need for substitute teachers. Here in Lincoln though, which is where my experience lies, I believe that the age and experience that comes with these degrees that are necessary as well as the diversity and HR training, they're essential to teach an urban population. An 18-year-old would be eaten alive at LPS in a third grade classroom if they just graduated, just eaten up for dinner. So..what's funny? It's true. And I was thinking as you were talking that it might not be essential where there's a tiny, nondiverse population where there is a sum total of 38 teachers in the entire district. I bet a high school grad could teach there. Absolutely, they probably know all those kids. Maybe those kids are their siblings or friends or go to the same church. Cool. But here we have a high rate of poverty. We have refugees. We have Title I schools. We have...and I think this bill would serve the entire state if I'm not mistaken. Oh, I'm sorry. Okay, yellow light. In my opinion, stripping stringent requirements for substitute teachers would be catastrophic on the ground in the classroom. Thank you very much. That's it. Thanks. [LB568]

SENATOR GROENE: Any questions for the testifier? I believe--I'm not picking on you--but I believe... [LB568]

JENNY TYNER: No. [LB568]

SENATOR GROENE: ...the bill says you must be 21 years of age or old and also possess a high school diploma. [LB568]

JENNY TYNER: Twenty-one, eighteen; potato (long A pronunciation), potato (short A pronunciation). (Laughter) [LB568]

SENATOR GROENE: There's...you know, you go through life, there's a lot of people that are more mature at 21 than they are at 30. [LB568]

JENNY TYNER: Uh, nope, not in my experience. [LB568]

SENATOR GROENE: I've hired people. [LB568]

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JENNY TYNER: Sure. [LB568]

SENATOR GROENE: Anyway, thank you, Miss. [LB568]

JENNY TYNER: You are welcome. [LB568]

SENATOR GROENE: I appreciate your service... [LB568]

JENNY TYNER: Ma'am. I am married. [LB568]

SENATOR GROENE: ...to the public education. [LB568]

JENNY TYNER: You're welcome. Thank you. [LB568]

SENATOR GROENE: Next opponent or neutral. Would you like to close, Senator Erdman?  
[LB568]

SENATOR ERDMAN: Thank you, Senator Groene. Mr. Miller had to head back--his wife's birthday tomorrow. He said he better get home or his wife would kill him if the road doesn't. So he left. So let me close by saying this. It's not surprising that we had opposition and I'm sorry that we had so much waste of the time...or not wasted time and but taking up so much time on a day we have a lot of testimony to be heard. But the qualifications in Colorado, Senator Pansing Brooks, is a one-year certificate with a high school diploma only, successful work experience. In South Dakota there is...the applicant has to be 18 years of age and pass a criminal history background, that's it. When Mr. Halstead testified he didn't say anything about those people that would qualify for that temporary license had to do a background check. My bill calls for a background check. This bill does not force those schools to come down to this level. It does not...it allows all schools to use the current method they have--60 hours of college education. This bill allows districts to do that. Director Halstead also proved my point that there is a shortage, a very dramatic shortage of teachers there. And I think Mr. Miller pretty fairly discussed why they need this to happen there. And we have already come part of the way because once the bill was introduced then the State Board of Education all of a sudden take it

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upon themselves to vote on March 7, I believe it was, to extend the days until 90 days and also to extend with a certificate longer than that. And they hadn't done anything before that. So perhaps if we get nothing else from LB568, maybe we moved them a little. But what I'm telling you is the solutions that the State Board has is not the solution to the problem. And that is not going to solve what is going to happen...what's happening in western Nebraska and some places across the state. So I encourage you to advance LB568. Let's make a commonsense decision what's good for everybody. It doesn't restrict them from using what they have now. If Omaha Public Schools wants to use more restrictions, that's fine. They can do that. But allow those people in those rural districts, those 18 superintendents, 20 that sent me a letter, allow them to do their job, allow them to do their job by advancing LB568. Thank you. [LB568]

SENATOR GROENE: Senator Pansing Brooks. [LB568]

SENATOR PANSING BROOKS: Thank you. Thank you for bringing this, Senator Erdman. Did you hear my question about the trigger because you can understand how if there are sufficient people...there aren't always, but even in the urban areas, then the schools could start saying, oh, well it's a lot less expensive to hire somebody without that education and hire instead somebody that's out of high school. So do you know if any other states have instituted triggers that...like a trigger that would say, okay, well, if X percent are the teachers and we lost, I don't know, 10 percent because of sickness or whatever it is... [LB568]

SENATOR ERDMAN: Right. I do not, Senator. [LB568]

SENATOR PANSING BROOKS: ...then we can initiate those lower...and we can't reach certain level of teacher then we can open it open up to those. [LB568]

SENATOR ERDMAN: Right. I understand. The four states that we looked at, the four states we looked at did not have that provision because they're...like Colorado and South Dakota, for example, and Wyoming, all of those have such lower qualifications to get in they probably don't need that trigger. [LB568]

SENATOR PANSING BROOKS: Okay. [LB568]

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SENATOR ERDMAN: But it is a problem for us. I mean it is a serious problem. And in Scottsbluff alone, Scottsbluff is a bigger school district. I don't know how many teachers they have but probably 250, 300 teachers. Bayard is a small school district. But let me just tell you, those small districts still count. There are kids in those small districts that need to be taught. [LB568]

SENATOR PANSING BROOKS: And can I just numbers some time from you on Colorado and...later? [LB568]

SENATOR ERDMAN: I'll get that to you. [LB568]

SENATOR PANSING BROOKS: Thank you. [LB568]

SENATOR ERDMAN: Thank you. [LB568]

SENATOR GROENE: Any other questions? Have any others...have you heard from other school districts out west besides Bayard and Scottsbluff? [LB568]

SENATOR ERDMAN: I have not heard...you know, like North Platte and those schools? No, I have not. [LB568]

SENATOR GROENE: I mean from your district. [LB568]

SENATOR ERDMAN: No...well, all the schools that are in my district are on that list. [LB568]

SENATOR PANSING BROOKS: Those are all your schools? [LB568]

SENATOR ERDMAN: Yeah, the majority of them are on that list. [LB568]

SENATOR GROENE: And your bill doesn't allow to differentiate on what they pay a substitute teacher that's certified and one that's with a high school degree. [LB568]

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SENATOR ERDMAN: That's a local decision made by the school board. As you heard in Superintendent Myles' comments, he's paying \$150 a day and still can't find people to do the work. They're just not out there. So according to the Board of Education, they've eased up some of their restrictions but those people with a high school...with 60 hours of college just aren't out there. And it doesn't...what they did in relieving some of those obligations didn't help us any because we don't have the people. That's why it's significant that we do this. And Senator Linehan had made a comment about how long ago did they stop allowing people to teach or go to college at the same time. My three sons, all my sons attended Bayard High school and the teacher they had in third grade got her certificate that way and she may have been the best teacher that they had, the very best. And that's the way she earned her degree. [LB568]

SENATOR GROENE: Thank you, Senator Erdman. [LB568]

SENATOR ERDMAN: Thank you. Appreciate it. [LB568]

SENATOR GROENE: I forgot to read into the record letters of opposition. We received from Janelle Coady of Lancaster County; Gerrod Toepfer of Lewellen; somebody named Hope (phonetic), North Platte; and from Jay Sears, the NSEA teachers union in opposition. We had one letter, a neutral letter but did not ask to be read into the record. Thank you. That closes the hearing on LB568. We will now proceed with Senator Linehan's LB650, change provisions for teaching certificates. [LB568]

SENATOR LINEHAN: (Exhibit 1) Good afternoon, Chairman Groene. I'm Lou Ann Linehan, L-o-u A-n-n L-i-n-e-h-a-n, I'm introducing LB650 to further the discussion about alternative pathways to the classroom. I'm going to keep this hopefully very short. I have a letter that I will be handing out from the National Council on Teacher Quality. Considering the day ahead of us I'm going to...I was going to read it, but I'm not going to do this. I'm just going to talk a little bit personal experience here, because I think we've heard from the Department of Education it's not that hard to get a teacher's degree here, but I've never talked to anybody who's tried to get one that came from another state who has...already has a bachelor's degree that agrees with that. I had a son who had a bachelor's degree. He was in the military. He became a captain in the military. He came back, he wanted to teach. He went to UNO, he talked to other schools, it's two



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years more education. He had a family, he simply couldn't do it. So in my mind there was a great young man who wanted to teach kids, but was unable to because he could not set aside his family's needs to go back to college for two years. If he could have gotten a temporary certificate, maybe that could have worked. I also, as I think most of you know, our youngest...my husband...my youngest two daughters went to school in the state of Virginia, where they went to a high school that used...had as teachers--they were high school kids--they had teachers, retired federal employees that were career military, career State Department, people from the sciences that taught in their high school. And they were excellent teachers and they didn't...I'm sure they had to be certified by Virginia, but they did not have to go back to school to get a teacher's degree. So I think there's huge differences here that we're painting all with one brush. If you've got a kindergarten teacher or a first or second grade teacher...I don't know why you couldn't have an alternative for a high school graduate who's 21 years old couldn't teach those kids just like somebody who's been teaching for 20 years, I think especially if you're in a push here. And I also don't know when we're short on STEM teachers, science, math, why we wouldn't take people who have degrees in chemistry and find them an easy pathway. And I'm going to be quiet now, but I think it's something that we clearly...I didn't prioritize this bill. I won't push it out of committee, but I think it's something that the committee should look at over the next year and figure out how we can make it just a little bit easier for people who want to teach kids not to have to go back to school for two years after they already have a bachelor's degree. Thank you. [LB650]

SENATOR GROENE: Any questions? Senator Erdman. [LB650]

SENATOR ERDMAN: Thank you, Senator Groene. Thank you, Senator Linehan, for bringing this. So when you left here, when you left Nebraska, what age were your children? [LB650]

SENATOR LINEHAN: One was going into the seventh grade and one was going in...two had already...one was a senior in high school, she stayed here. One was in Hastings College. The two that went to Virginia, one was going into junior high and one was going into high school. [LB650]

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SENATOR ERDMAN: And when you arrived in Virginia, they went into public school?  
[LB650]

SENATOR LINEHAN: No, they went into parochial school. [LB650]

SENATOR ERDMAN: And how did they stack up as...were they up to speed there? [LB650]

SENATOR LINEHAN: They were both a year behind. [LB650]

SENATOR ERDMAN: A year behind? [LB650]

SENATOR LINEHAN: Both a year behind and we were in a good school here and it's still a good school. But it was tough there. We were in northern Virginia. It's very...school is tough, but they take it very serious there. They're all preparatory schools and they both struggled pretty mightily the first year, but it turned out very well for them in the end. [LB650]

SENATOR ERDMAN: And those schools they attended, they used those younger people to teach them? [LB650]

SENATOR LINEHAN: They used...mostly, actually in their high school it was a lot of retired federal workers from either--because we were on the outskirts of D.C.--so a lot of retired military, retired State Department, retired National Science, because parochial didn't have to pay them very much either. But they were there because they wanted to teach the kids. [LB650]

SENATOR ERDMAN: Okay. It sounds a bit similar to the gentleman that testified in favor of LB658. [LB650]

SENATOR LINEHAN: Yes. [LB650]

SENATOR ERDMAN: Okay. [LB650]

SENATOR GROENE: Senator Kolowski. [LB650]

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SENATOR KOLOWSKI: Thank you, sir. Senator, you said they were in preparatory school? Prep schools? Private prep schools? [LB650]

SENATOR LINEHAN: It's a...just...no, they were parochial co-ed schools. [LB650]

SENATOR KOLOWSKI: Not public schools? [LB650]

SENATOR LINEHAN: Not public schools, but very...not...the first...not your very...they were...what am I trying to say here? They were widely attended. It was not...the tuition was not ridiculous. [LB650]

SENATOR KOLOWSKI: What wasn't? [LB650]

SENATOR LINEHAN: I mean, it wasn't an East Coast preparatory... [LB650]

SENATOR KOLOWSKI: Andover, Exeter, Choate? [LB650]

SENATOR LINEHAN: Right. Nothing like that, no. We had two kids in college. It was a stretch. [LB650]

SENATOR KOLOWSKI: Sure. Thank you. [LB650]

SENATOR GROENE: Any other questions? This adjunct teaching certificate is only for substitute teachers also, right? [LB650]

SENATOR LINEHAN: I think the way the bill is written is you can start teaching and then you have to get certified...you have to go back and get the Nebraska certification. But it lets you start and then work toward certification versus...and if you'll remember,... [LB650]

SENATOR GROENE: It says, part-time positions, is what it says. [LB650]

SENATOR LINEHAN: Right. Right. Adjunct professor is part-time position, yes. [LB650]

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SENATOR GROENE: Thank you. Any other questions? Thank you, Senator Linehan. [LB650]

SENATOR LINEHAN: You're welcome. [LB650]

SENATOR GROENE: Proponents. Are there any proponents wanting to testify for LB650? No letters? Opponents? First up. How many testifiers will there be, opponents to LB650? How many neutral? We have three total. Go ahead, Miss. [LB650]

CHERYL GOODWILLIE: Ready? [LB630]

SENATOR GROENE: Yep. [LB630]

CHERYL GOODWILLIE: Okay. Good afternoon, Senator Groene and all the members of the committee. My name is Cheryl Goodwillie, C-h-e-r-y-l G-o-o-d-w-i-l-l-i-e, and I am a retired teacher of 33 years in the Omaha Public Schools. I worked for 15 of those years at a magnet school as a reading specialist and later as the gifted facilitator. During those years I've learned a great deal about the opportunities that a magnet school can provide, equaling those of a charter school without taking tax dollars away from the public schools. For instance, our students spent six days per year at Fontenelle Forest studying animal habitats, the water cycle, counting birds, and developing an understanding of animal habitats and ecosystems, to name just a few topics. We engaged in a partnership with UNO where sophomore level education students had their first opportunity to teach children. All students were invited to participate in service learning projects with our community, including planting and maintaining a garden at Western Hills, and community service such as cleaning up trash in Elmwood Park. Weekly electives were held the last hour of Friday afternoon with classroom teachers providing enrichment activities to pique their students' interests. For instance, I taught an interdisciplinary elective focusing on a book of the Fancy Nancy reading series with second and third grade students, bringing in a dancer from Valley, Nebraska, to teach an introductory ballet class one week and hosting a tea party with participants' grandparents in the culminating week as a finale. Another elective I taught were fifth and sixth graders focused on the travels of Lewis and Clark, utilizing on-line technology to follow their trail up the Missouri River to the Pacific Northwest and studying primary sources on Lewis and Clark, available on-line through the National Archives. I also accessed hands-on

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artifacts available for check-out from a southwest Iowa conservation district. Sound fun? It was, for me and the students. Those tax dollars also afforded me the opportunity to provide one-on-one reading instruction to struggling students, utilizing nationally recognized strategies, focusing on the development of phonological awareness, which often is a factor in dyslexia. I also worked collaboratively with fourth grade teachers to prepare students for the state writing test. All of these educational opportunities are important to our students and our public tax dollars provide those opportunities. Taking these public funds to pay for a charter school leaves public schools in the lurch. Every teacher at my school, Western Hills University Partnership Magnet School (sic: Center), as well as every other magnet school in the Omaha Public Schools brings a level of dedication and passion to their work that is unsurpassed. Magnet schools can and do provide every opportunity that a charter school can. To me, there is no need for this law in Nebraska. Thanks. All done. [LB630]

SENATOR GROENE: Thank you. I didn't make it clear... [LB630]

CHERYL GOODWILLIE: Do you have a question? [LB630]

SENATOR GROENE: ...but you are... [LB630]

CHERYL GOODWILLIE: Pardon me? [LB630]

SENATOR GROENE: You are very good about getting first. This is LB650. No, go ahead. I wanted to ask those questions. [LB630]

CHERYL GOODWILLIE: Oh, I'm sorry. I'm still on the wrong one? Oh. [LB630]

SENATOR GROENE: No. But it was a change of pace. No, you did fine. [LB630]

CHERYL GOODWILLIE: Oh, I'm so sorry. I stepped out and one of my kids...I have a...yeah. [LB630]

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SENATOR GROENE: Well, you're going to have a hard act to follow, because you did very good. (Inaudible.) [LB630]

CHERYL GOODWILLIE: Okay. I truly apologize, people. Oh, my gosh. [LB630]

SENATOR GROENE: Questions...that's fine. You don't have to. I did have a question for you. Do you substitute teach now? [LB630]

CHERYL GOODWILLIE: No. I'm teaching adult basic education at Iowa Western Community College now. Yes. [LB630]

SENATOR GROENE: Full time or... [LB630]

CHERYL GOODWILLIE: No, only part time. I have elderly parent issues. I'm...when I heard it was \$150 a day though, I'm thinking maybe I do want to do that. [LB630]

SENATOR GROENE: Their school could use you, so thank you. [LB630]

CHERYL GOODWILLIE: Okay. I really, I apologize. I had to step out and...okay. I thought since Senator Linehan was here that she was...had introduced it and then... [LB630]

SENATOR GROENE: No, Senator Larson will introduce the one... [LB630]

CHERYL GOODWILLIE: Okay. All right. [LB630]

SENATOR GROENE: But we've got it in the record. [LB630]

CHERYL GOODWILLIE: All right. Well, then I'm done, right? [LB630]

SENATOR GROENE: You can go home early. There's a lot of...is there any other opponents to LB650? [LB650]

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TIM ROYERS: (Exhibit 2) Sorry, my written testimony says, hello, again. I was unaware that the order of the bills had been switched. You'll hear me again for LB630. All right, so good afternoon, Senator Groene, members of the Education Committee. For the record my name is Tim, T-i-m, Royers, R-o-y-e-r-s and I am the 2016 Nebraska Teacher of the Year. I am here today in opposition to LB650. There is no doubt that there is a growing teacher shortage in this country. We have not felt its full effects here in Nebraska yet, but that's because the shortage primarily is a result of a) increased numbers of teachers leaving the profession due to increased morale issues and job expectations; and b) a steady decline in enrollment in education programs in universities across the United States. There are two possible solutions to this problem: lower the requirements to teach and dilute the quality of the teaching pool or address the actual causes of the shortage and elevate the teaching profession. To be clear, in the short term this would draw additional people into the profession. But this is the equivalent of a patient coming in and the doctor simply prescribing some ibuprofen rather than actually giving them the antibiotics to solve the problem creating the symptoms in the first place. This addresses a symptom, it does not address the illness. Not only that, each of these additional alternative certification categories presents some serious problems. The idea that college credit or a doctoral degree would make you qualified to teach ignores that role that pedagogy plays in making you an effective educator. Ph.D. programs emphasize content and research skills, because those are the two components that are necessary for work at a postsecondary level. For example, UNL's history doctoral program only requires one course on how to teach. By comparison, my undergraduate degree at Northwest Missouri University required 11 courses. And the methods classes available for Ph.D. programs exclusively talk about how to teach that subject in particular. It does not take into account special education, culturally responsive teaching, interventions, or any other critical component to being an effective classroom teacher. Allowing for in-kind recognition of other states' certifications also has the potential to reduce the quality of the teaching pool in Nebraska. Other states have incredibly low requirements for certification, including something as simple as taking a content test to gain additional endorsements. My professor...one of my undergrad professors to prove the point in Missouri took over a dozen content tests to gain 12 additional certifications. He's certified in veterinary science. He has no idea how to teach veterinary science, he's just a good test taker. Reducing the entry barriers to teaching is not the solution because it does not address the original problem. We should heed the warnings of states that have already gone down this road. There is a reason why Kansas is now forced to hire teachers with

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zero certification in some of their most high needs districts. The reality is we need to be moving in the opposite direction. Programs like urban teacher residency programs that teach teacher prep--more like how we teach medical prep for doctors--has led to higher retention rates for high-needs schools compared to traditional teacher prep programs. Remember, there is a distinction between being knowledgeable about a subject and knowing how to teach that subject. And this bill treats those as two being just the same. Remember, the majority of those alternative certifications would not put people in the classroom that have any knowledge on special education, diverse populations, teaching literacy skills, English language learners, or the currently understood best practices. One year of bad instruction can set a student back for years. We need to be providing legislation that provides us with better teachers, not worse. Please, take these important factors into account and do not vote for LB650. Thank you. [LB650]

SENATOR GROENE: Thank you. [LB650]

TIM ROYERS: Any questions? [LB650]

SENATOR GROENE: Questions? Do you all...go ahead, Senator Erdman. [LB650]

SENATOR ERDMAN: So in your comments you explained that there are teachers leaving the profession because of morale issues. What does that mean? [LB650]

TIM ROYERS: Each year there's increased expectations on teachers without really any increase...I'm not even going to get into compensation, just in terms of the minutes in the day that we have to complete our job is the same. Any educator in the room will tell you that in the past ten years I'm expected to do a lot more with documentation for interventions. Even something as simple as we now have our statewide concussion protocol in effect and I'm a huge proponent of that. I have a student right now that is insisting that they need to be taking the test that they missed and they're not medically cleared. And so that's appropriate legislation, but that adds time where I have to document and communicate with the nurse, communicate with parents. And so it's just at a certain point our plates get too full. And so more and more teachers are leaving because they simply can't complete their job to the level of quality that they want to be able to. [LB650]



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SENATOR ERDMAN: Thank you. [LB650]

SENATOR GROENE: Any other questions? So you're teaching now? [LB650]

TIM ROYERS: Correct. [LB650]

SENATOR GROENE: How often are you absent from your classroom? You apparently love what you do. [LB650]

TIM ROYERS: Absent for personal reasons or professional reasons? [LB650]

SENATOR GROENE: Just absent, a substitute has to teach your class. [LB650]

TIM ROYERS: Last...I am gone an average of 20 days a year. Now, I have taken... [LB650]

SENATOR GROENE: To fulfill the Teacher of the Year? [LB650]

TIM ROYERS: No. Those would be things like for curriculum development if I'm being training on something within the district. So that's...last year was out of the norm because I was doing Teacher of the Year duties, but even beside that year I'm usually gone about 20 days a year, some for sick kids, but that's usually like 4 or 5. So the vast majority are for professional reasons within the district. [LB650]

SENATOR GROENE: That they're training you during the school day. [LB650]

TIM ROYERS: Yep. Like for example, a few weeks ago I was down in Lincoln for two days for a summit on the future of social studies education in Nebraska, so that would be two professional days that I was gone. [LB650]

SENATOR GROENE: All right. What was I going to say? You mentioned that maybe part of teaching, a good teacher...it's a gift and no matter how many credit hours you take or courses you

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take, you either have it or you don't. Couldn't that be true with somebody who was also an aerospace engineer? [LB650]

TIM ROYERS: Sure. I would certainly agree that there's an intrinsic skill set that you need to be an effective teacher. However, I would absolutely say that that's the foundation. You still need to learn the methods to be effective. If I look back at what I was doing with my students in my first year of teaching, I also would be writing letters of apology for that. So I don't think...and to get to your point, we currently have programs like the TAP program, which offers basically a one-year crash course on the methodology necessary to be an effective teacher for people that are in the situation that you mentioned like an aerospace engineer, because they obviously clearly already have the content. They just need those components to learn how to effectively deliver the content to the students. [LB650]

SENATOR GROENE: Is that delivered at...what universities have that, Nebraska? [LB650]

TIM ROYERS: A number...I know of a number of different programs, UNO, College of St. Mary are the ones that I'm the most familiar with just from where I'm teaching at, but there's others that exist as well. [LB650]

SENATOR GROENE: So if you're an accountant and you want to...all of a sudden want to follow your dream to teach, it would take you a year? [LB650]

TIM ROYERS: Yeah. It's an accelerated program. I know they have a business component. So for somebody that's an accountant, they'd be able to do that. But yes, it'd be a year. [LB650]

SENATOR GROENE: Thank you. Senator Kolowski. [LB650]

SENATOR KOLOWSKI: Thank you, sir. Mr. Royers, when you were a debate coach, how many days did you miss when you were doing that full time? [LB650]

TIM ROYERS: There are...there were 20 tournaments a year, usually around six or seven overnight stays, so six or seven absences a year. [LB650]

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SENATOR KOLOWSKI: And other responsibilities, coaches, you see that happen... [LB650]

TIM ROYERS: Yep. [LB650]

SENATOR KOLOWSKI: ...within your building and all those kind of experiences do add up over time. [LB650]

TIM ROYERS: Yep. Absolutely. [LB650]

SENATOR KOLOWSKI: And where do you teach? [LB650]

TIM ROYERS: At your old school, Senator Kolowski, Millard West. [LB650]

SENATOR KOLOWSKI: Oh, thank you. [LB650]

SENATOR EBKE: That was a setup. [LB650]

SENATOR GROENE: Any other questions? Any other questions? Thank you, sir. [LB650]

TIM ROYERS: Thank you. [LB650]

SENATOR GROENE: Go ahead. [LB650]

JENNIFER CEJDA: Okay. My name is Jennifer, J-e-n-n-i-f-e-r, Cejda, C-e-j-d-a. I wasn't planning on speaking today, but this is me. I graduated with a bachelor's degree in psychology with every intention on going to law school, until I worked for a lawyer and decided that was not really the direction that I wanted to go. So I was in the academic world, recruited for a college until I decided I wanted to be a teacher. So I knew I had to go back to school, just as I knew I had to go back to school if I wanted to be a lawyer. I hold teaching degrees in Nebraska, Pennsylvania, and Texas. Each of the states that I went to, I had to follow procedure for that state. Just as if I was a lawyer, I would have to take the bar in all those different states. This is a profession. And it's a profession I'm very proud of. And I feel like it's taken a backseat to some

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other professions. We would never expect a nurse practitioner just to decide one day, you know, I'm really good when my kids throw up or they have a splinter. Think I'm going to go be a nurse practitioner because I know a lot about that. We have to realize that teachers put our heart into this and our soul and our education. And we need to treat it as a profession that has guidelines, just like the bar, just like medical school. I understood that going in and I was okay with...and I had a family. I had two small children when I was...went through student teaching. And that's just the same as if I had decided to go back to law school or medical school. [LB650]

SENATOR GROENE: Thank you. Senator Kolowski. [LB650]

SENATOR KOLOWSKI: Yes, thank you. Ms. Cejda, on those three states you mentioned, how different or alike were they as far as the number of hours and credits that you needed in those three different locations? [LB650]

JENNIFER CEJDA: Nebraska is the most stringent and I appreciate that. We stay on top of the cutting edge of what's best for kids. In Texas I held a lifetime certificate so professional development that wasn't offered by my district was really up to me, it wasn't required. And in Pennsylvania it was more along the lines of Nebraska, where we had to keep our certificate current with increasing education. [LB650]

SENATOR KOLOWSKI: Thank you. [LB650]

SENATOR GROENE: Any other questions? Thank you for your testimony. [LB650]

JENNIFER CEJDA: Thank you. [LB650]

BOB FEURER: (Exhibit 3) Hello again. I am Bob, B-o-b, Feurer, F-e-u-r-e-r, of North Bend, retired 33-year science teacher, the 2011 Nebraska Teacher of the Year and a newly elected school board member for North Bend Central Public Schools. Teachers used to be the keepers and dispensers of information; that's no longer the case. Most of our students today are only a couple of swipes or clicks away from more information than any one expert can possess. Just having content mastery in today's classrooms is not adequate. Project-based learning, problem-

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based learning and personalized learning are coming to the fore as the means to meet the needs of twenty-first century learners. Stuff can be pulled from the Internet and almost at will by today's students. Teachers need to be able to direct their use of information and turn it into useful knowledge for today's world. They cannot just tell students what they should know like I did those first ten years. A huge amount of pedagogy, knowing how young people learn is necessary and must be taught and learned by teachers. Possessing a doctoral degree or teaching at a postsecondary institution does not ensure expertise in teaching in today's challenging classrooms and those young kids. Postsecondary institutions ensure that teacher candidates have skills and understand the psychology of teaching primary, intermediate, middle, and high school students. Possessing a doctoral degree or college teaching experience does not guarantee the skill in reaching young learners. I taught seventh graders for 25 years and when filling in for a year when my replacement--well, he was called away to Iraq--five months after I had retired I was asked to teach sixth graders. How much different can they be, I thought? It was like a whole new species. I was amazed at what difference that one year could make in, I'll call it "squirreliness." I had to adjust my teaching drastically to accommodate how they learned and behaved. A personal experience I had while working as adjunct faculty at a nearby university: I was teaching science teaching methods and had my students tell me that they had to explain assessment to one of their noneducation-trained professors. A ten point essay was either right or wrong if only a small portion were incorrect. The students had to explain to them the idea of partial credit for responses that were mostly correct. Their noneducation-trained professor simply did not understand assessment principles. And this refers back to Ms. Cejda's comments about the difficulty. I had a student, Heidi. Mr. Feurer, it's really hard to get an A here. It's a lot easier at my old school. The point I'm raising here is the legislation's proposed honoring of out-of-state certificate conditions. Are we certain that certificates issued in other states have the same stringent conditions applied to ensure certificate standards of candidates? Praxis tests must be passed before even entering a teaching program in Nebraska. It seems the intent of the bill is to increase the number of eligible teacher candidates without guaranteeing their quality and ability to teach P-12 students. I believe that to be an issue. [LB650]

SENATOR GROENE: Thank you. Any questions? Senator Ebke. [LB650]

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SENATOR EBKE: I just want to say thank you. My daughter teaches middle school kids and I know exactly what you're talking...and I have a middle school child. So thank you for your years of service teaching middle school. [LB650]

BOB FEURER: Thank you. [LB650]

SENATOR EBKE: That's pretty special. [LB650]

SENATOR GROENE: Senator Kolowski. [LB650]

SENATOR KOLOWSKI: Oh, thank you, Mr. Chairman. Bob, I also want to say thank you, because I don't think we've had two Nebraska Teachers of the Year in the same testifying situation in an afternoon. And for your work and Tim Royers' work, I appreciate it very much what you've done for the state. Thank you. [LB650]

BOB FEURER: Thank you. The third one is coming. [LB650]

SENATOR KOLOWSKI: Coming? Good. [LB650]

BOB FEURER: Yep. Thank you. [LB650]

SENATOR GROENE: Have you seen...sir. Oh, that's fine, I won't...if you want to go. [LB650]

BOB FEURER: No, no, I don't. [LB650]

SENATOR GROENE: You've been around teaching a lot. [LB650]

BOB FEURER: Yes. [LB650]

SENATOR GROENE: Does the fact that you've done these tests, took the tests, took these classes guarantee that you're going to be a good teacher? [LB650]

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BOB FEURER: No. [LB650]

SENATOR GROENE: So you've seen them... [LB650]

BOB FEURER: Well, absolutely. [LB650]

SENATOR GROENE: It takes a gift also, doesn't it? [LB650]

BOB FEURER: It's an art as much as...it's so difficult...as a school board member, last year we had a report from one of our staff that were doing one of our curriculum projects. And I just looked at one of the guys that was sitting next to me and I says, this is pretty tough, isn't it, because of all there is to do? And it really takes that ten years that I mentioned earlier to really become slightly proficient at it. So, yeah, to be good...and you're right, there is a certain...I would think it's genetic predisposition, because my mom taught, her mom taught, I taught, my daughter teachers. So I think it's DNA as much as anything. [LB650]

SENATOR GROENE: All right, thank you. Thank you, sir. [LB650]

BOB FEURER: You bet. Thank you. [LB650]

MATTHEW HARRIS: My name is Matthew Harris, M-a-t-t-h-e-w H-a-r-r-i-s. I think with LB650, I'd be against this because actually I think there needs to be more training. I graduated from UNL in 2014, from their Secondary Education Social Science program. And if you know anything about social studies teachers, it is very difficult to get a job out of college. Actually, at UNL you go from your sophomore year into your junior year and they only take 20 kids. So you could go the first two years and not even know you're going to be a teacher, so you really got to love that. Made that program and then I did not get hired right away out where I'm at today with LPS. I actually worked at Boys Town. And that's why I would argue that we need more training instead of going in the opposite way, because if I would not have worked at Boys Town at the alternative school I don't think I would have the necessary behavioral skills that I learned there to deal with classroom environments our teachers face every day. Currently, I work at North Star as an economics teacher, so when we're talking about a gift and how you teach with content, I teach

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economics. All right? You remember your economics class in college, right? Most of you probably caught up on your sleep, because economics can be very boring. And so I have to put a show on. I have to show the kids, how do I make this fun? It is a gift. We took a class down to UNL for an economics conference, kids ate lunch and everything. When we got back a professor got up and started talking about economics. Guess what happened within 15 minutes. Their head hit the table and they were sleeping. So it is a gift. So I think maybe as a state, instead of looking to reduce what it takes to become a teacher, we should look at other alternatives to actually making it a little more difficult, to increase how do you deal with this situation? I know you guys were presented with a bill about teachers putting hands on students. At Boys Town, we don't do that. We use the Boys Town model. And it's really efficient today when I work at a school with students from all walks of life, using that to build relationships with them and stuff like that. So as a teacher, you've always got to remember what to do best with the children. All right? So I'd be opposed to LB650 and I'd actually challenge you and the rest of the education world in Nebraska to make it more difficult to get a teaching license, because we do face challenges every day in the classroom. And I welcome any of you out to my classroom at North Star. It gives you a wide ranging group of people who live in our city. All right? And so I'd be opposed to LB650. [LB650]

SENATOR GROENE: Thank you. [LB650]

MATTHEW HARRIS: Yep. [LB650]

SENATOR GROENE: Any questions? Senator Pansing Brooks. [LB650]

SENATOR PANSING BROOKS: Can you please send us whatever the Boys Town guidelines are? [LB650]

MATTHEW HARRIS: Yeah. [LB650]

SENATOR PANSING BROOKS: Thank you. [LB650]

MATTHEW HARRIS: No problem. [LB650]



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SENATOR PANSING BROOKS: I'd like that. [LB650]

SENATOR GROENE: Senator Kolowski. [LB650]

SENATOR KOLOWSKI: Thank you. Matt, on your bigger perspective of all your preparation and readiness, not just the content areas that you had, do you...it sounds like your Boys Town experience with their vehicle model was very powerful in your life because of the direction you're heading in, what you're doing now. Is that an accurate statement (inaudible)? [LB650]

MATTHEW HARRIS: Yeah. I guess if I were to change how the University of Nebraska where I got my degree at or any of the other ones is to get teachers or who want to be teachers into the classroom sooner, because you're only going to learn from experience. [LB650]

SENATOR KOLOWSKI: Thank you. [LB650]

MATTHEW HARRIS: Yep, no problem. All right. Thank you. [LB650]

SENATOR GROENE: Thank you. Any other opponents to LB650? We had one letter in opposition from Janelle Coady of Lincoln, Nebraska. Is there any neutral testimony? Any neutral? We had no letters of neutral to be entered into the record. Senator Linehan, would you like to close on LB650? [LB650]

SENATOR LINEHAN: Thank you very much. I think this was a good discussion and I would love to work with the young man that just spoke of what he thinks we need to do. I would agree. I do understand that it's not just knowledge content, but I also believe that knowledge content...I don't think you have to sacrifice one for the other. So I would like to work with all those that testified today and see if we can work out some ways that maybe there are ways to broaden the number of people that are able to teach and improve...add to the profession, not subtract from it. So thank you very much. [LB650]

SENATOR GROENE: Any questions? Senator Linehan, isn't part of what you're doing is to put in front of children somebody that did something else besides taught in life and to set an example

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what they can be if they take advantage of a public education to have that life experience to somebody who was in the military, somebody who was an engineer? [LB650]

SENATOR LINEHAN: I think it would be very helpful for high school kids, junior high kids to have people...and nothing to take away from education, but to have people who can say, this is...other paths out there for things that...going back...as we all know, I spent...kids who struggle in elementary school probably don't graduate from high school and go to college and think, oh, I want to be a teacher. But sometimes people who struggle in school then are successful at other things do want to go back and help those kids that are struggling. And I think this would be a way that we could encourage some of those people. They've been successful. They weren't straight A students. But there are ways to have a great life even though it's tough maybe when you're in elementary school. So I do think it would be worth while looking at ways to get people who've done other things back into the classroom. And not to take anything away from the person who's dedicated their whole life to teaching, because I know that we owe them a great deal as well. [LB650]

SENATOR GROENE: I think it's called diversity. Thank you, Senator Linehan. Any other questions? Thank you. That closes the hearing on LB650. We're going to take a five-minute break and then we'll...is Senator Larson in the room yet? [LB650]

BREAK

SENATOR GROENE: I believe we're ready to begin. Senator Larson, would you like to introduce your LB630? [LB630]

SENATOR LARSON: Good afternoon, Chairman Groene and members of the Education Committee. My name is Tyson Larson, T-y-s-o-n L-a-r-s-o-n, and I am here to present LB630. LB630, which proposes to create the Independent Public Schools Act would establish an independent authorizing board appointed by the Governor and the State Board of Education to approve and oversee independent public schools. The authorizing board could approve applications from a nonprofit entity to open and operate schools in any district in the state containing at least one school receiving the lowest performance ratings from the Nebraska

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Department of Education. Any Nebraska public school district could also approve applications from a nonprofit entity to open and operate an independent school in that district. The independent public school would be governed by this act. For the past five years the defenders of the status quo have worked furiously to prevent charter schools in this state. They do not want Nebraskans to have the same educational opportunities that are available now to families in 43 other states and the District of Columbia. While this puts children in Nebraska at a disadvantage as one of the only...of a handful of states without charter school enabling legislation, we no longer have to wonder whether charter schools work or they are wanted. We know the answer to both of these and it is, yes. First, let me start by defining charter schools. Charter schools are public schools free and open to all students. Charter schools are held accountable for student outcomes. If they are not educating children, they should and do close. This bill, as is every other charter bill introduced in Nebraska in the last five years, requires that all charter schools be nonprofit entities. Again, charter schools are working and they are wanted. Children attending urban charter schools on average gain an additional 28 days of learning in reading and 40 days of learning in math every year, according to the Center of Research on Educational Outcomes. The director of CREDO, Dr. Raymond, is here today to speak further to charter school outcomes around the country. Why is it particularly of note that charters are working so well in urban areas? As members of this committee know, Nebraska's largest school district, Omaha Public Schools, suffers from unacceptable achievement gaps and is one of the lowest performing school districts in the state. A child's zip code should never determine the quality of education available to him or her, yet that is the reality for thousands of children in Nebraska today. Additionally, there are populations in areas in this state without enough high quality school options. Native American reservations, of which I represent, had the worst outcomes for kids in our state. I would also like to stress as a point to date not been discussed enough by this body and that is, if we allow charter schools in Nebraska no child will be forced to attend one. In other words, in deciding whether or not to support this bill I am asking you to consider whether or not you think families should be the ones deciding what is the best for their children. I believe that answer is, they should. The alternative is to tell thousands of families that they should only have one choice, a choice that for too many is failing our children. And it is a choice made by politicians rather than parents. In 2013, '14, and '15, charter school bills were presented to this committee. Parents spent hours before the committee asking for the opportunity to choose a better school for their children during those hearings. Yet year after year we refused to let this legislation advance

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to the floor for full debate. In doing so, we not only disempower the parents who are asking for high quality school options, we do a disservice to the political process. Behind me today you will hear from parents, educators, and community leaders who can speak with greater expertise than I on not only how charter schools operate, and operate well, but why they are needed and why all children and families deserve the opportunity to access high quality education. You will also hear from opponents. While I look forward to being proven wrong, if history tells us anything, these opponents will tell you that Nebraskans already have school choice. This is a false promise for those who are stuck in failing schools, surrounded by higher performing schools that are at capacity already. You may hear that poverty is the culprit, not school quality for failing schools. This is an excuse for failure. Of course, poverty matters and it impacts student readiness for school, but it is not a reason to prevent families with too few choices from having more, particularly again when we know that there are millions of children in schools today overcoming the odds, in large part through access to high quality charter schools. You may hear that charters will hurt existing schools, yet there is no credible evidence to support this claim. And, in fact, many examples exist where charter operators work collaboratively with school districts to improve outcomes and opportunities for all students. You may hear that Nebraska schools perform well and therefore we don't need other options. Again, we have some of the largest achievement gaps in the nation. We are failing kids and doing so on their skin color and economic status, and also doing so in the face of solutions that have been proven effective. It is time to stop putting kids in Nebraska...it is time to stop putting kids last in Nebraska when it comes to this issue. On a final note, there is currently work on an amendment, which will strengthen the bill's accountability and address the department's argument of constitutionality. A representative from the National Alliance for Public Charter Schools will elaborate further on this during his testimony. I'd like to thank the committee members for their time today and for their consideration of this legislation. I will stay for a while, but I have a preschooler to pick up that I will have to leave early for. And I will entertain questions. [LB630]

SENATOR GROENE: Any questions from the committee? Senator Morfeld. [LB630]

SENATOR MORFELD: Thank you for coming today, Senator. I noticed the fiscal note. It's pretty low to the state. How much more is this going to cost local school systems and local taxpayers to create two different school systems? [LB630]

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SENATOR LARSON: As you've read, each charter school will be afforded...I think it's the...I can't remember if it's the mean of the median average that it costs to educate a student so...out of the TEEOSA or out of the state aid formula. So it doesn't cost the state anything. Well, it costs the state with the fiscal note of creating the Independent Public Schools, but it will take that money out of the...if you want to call the TEEOSA education formula. [LB630]

SENATOR MORFELD: And I mean...I'm assuming you maybe had an economic class in college or high school like I did. There are things called economies of scale. And oftentimes public schools, especially large public schools, while keeping class sizes down they do have more efficiencies by having one school system and not two. [LB630]

SENATOR LARSON: In an economy of scale one would assume that oftentimes there's efficiencies, but I look at a public school system like OPS that has more administrators than the total number of students in the largest school district in my legislative district. That's unacceptable in and of itself. [LB630]

SENATOR MORFELD: How big is the largest school district in your...? [LB630]

SENATOR LARSON: O'Neill Public Schools, I would have to discuss that with the superintendent exactly how many students. I think there's probably...it's a Class C1 school. [LB630]

SENATOR MORFELD: Okay. I'd just like to know...I don't know how many administrators there are in OPS. I'd be interested in that number, too. I'm sure somebody can talk about that. But there's 44,000 or so students in Omaha Public Schools and I know there's a lot of small school districts throughout the state. That being said, one of my concerns with this is we're going to be losing efficiencies and particularly at a time when the number one issue that I hear from my constituents when they talk about taxes--I don't think taxes are their number one issue; I know it's not for a fact, because I've polled them on it--but when they talk about taxes is property tax. And that's oftentimes, particularly in rural areas, a source of contention. If we create two different school systems we're going to have to fund two different administrators, two different

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other folks. And I just think that that's going to create some strain on already limited resources for our public education system. [LB630]

SENATOR LARSON: See, I disagree with you on the concept of losing efficiencies. A school district like OPS...and I think as you will note and you have to, one of the schools in your district has to be failing to be able to authorize one of these. And that doesn't mean the whole district couldn't become a charter as well. In...O'Neill Public Schools isn't...I don't think would qualify in this. I know the school district in my district that would, would be Santee. I have another bill that I would love for you to support that's my personal priority bill that focuses on economic development on the reservation, but education is something that is very important as well. And in terms of losing efficiencies, I don't necessarily see where that would happen. Charter school... CMOs also have the ability...they would get the per pupil funding, but they can still go and find money in other places as well to fund their operations. [LB630]

SENATOR MORFELD: Thank you. And my last question and then I'll hand it over to other folks, Mr. Chair, is in your testimony you directly confronted the issue, because I know this is an issue you've brought back several years. So you've seen...there's a few issues I've brought back each year, so I understand the opposition arguments, too, and I appreciate... [LB630]

SENATOR LARSON: Because I understand the discrimination that some individuals face based on whether it be sexual orientation or, in my case, race and economic status that the Legislature does need to address. And I agree with you on the issue that you continually bring back. [LB630]

SENATOR MORFELD: Well, and I appreciate your support of that bill last year. So I guess one of my concerns, Senator...and you brought this up and again I know you directly addressed this, is that yes, do schools have a place in ensuring that kids are successful and can get out of poverty? I completely agree with that. But I also think that oftentimes schools are often on the front lines of dealing with broader policy failures that the Legislature, that Congress, that other policymakers have created on our own. And they're...schools are often the ones that are trying to mitigate some of those policy failures and generally not the cause of them. And so, I guess, how much do you think poverty is the cause of public schools and a cause of broader societal failures in policy? [LB630]

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SENATOR LARSON: You know, and that's an interesting argument, whether it's us as a Legislature that's creating poverty through other ways. And that's something that you may be able to say, but it doesn't mean that education isn't a pathway to fix that. I think we've seen from leaders of your own political party that are heavily supporting charter schools, such as our former President or his former Secretary of Education, the mayor of Chicago, who has continually fought--and I'm referring to Rahm Emanuel, former U.S. or presidential chief of staff--have continually fought for charter schools and their development as a way to fight poverty and close the achievement gap. And, frankly, I have always said, I consider myself very conservative, but that is one thing that President Obama did an excellent job at, was focusing on education and using it--if you want to say that we have other tools that are creating poverty or we have other legislation or we're not addressing certain things--maybe they saw that as well and saw that charter schools or independent community schools are a way to work to break the cycle of poverty. And that is why they supported them so heavily. That is why we see D.C. closing their achievement gap. That is why we see the city of New York, the top schools are charter schools. That's why we see Rahm Emanuel fighting the union in Chicago tooth and nail, because they care about closing the achievement gap. They see that as the way to break the cycle of poverty. People in your own political party are standing up to the unions, finally, on this issue and doing so and seeing successes over and over. [LB630]

SENATOR MORFELD: I would argue that the realities of socioeconomic and political realities in Chicago and D.C. are a bit different than the realities here in Nebraska. But we could probably have an extended debate on that (inaudible)... [LB630]

SENATOR LARSON: Okay, so since the socioeconomic realities, in your consideration, may be harsher, that means those parents deserve choice and yet our parents in Omaha don't deserve choice? [LB630]

SENATOR MORFELD: No. I think that they already do have choice and I know that you reject... [LB630]

SENATOR LARSON: They do, in charter schools. [LB630]

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SENATOR MORFELD: Not right now, but... [LB630]

SENATOR LARSON: In Chicago they do. [LB630]

SENATOR MORFELD: Oh, in Chicago? Well,... [LB630]

SENATOR LARSON: If we're comparing them to the socioeconomic realities of Chicago and New York. [LB630]

SENATOR MORFELD: I would...I'll end with this and obviously you can respond if you want, that's your prerogative, Senator. I understand that. I respect that. I would just say that by saying that I count at least four, maybe five choices that parents have right now if they're not satisfied with their school. And to argue that that is not choice of some sort--and in fact that's more choice than most parents in other public school systems have in other states--then I don't...there's a logical disconnect there for me that you and I are not going to get past. [LB630]

SENATOR LARSON: Well, you can...some parents can't afford the private schools and that is one of the choice options. And I'm sure we're going to hear from opponents to this bill that sit on the Lincoln City Council or in the Lincoln Public School system. And I want to know...you can ask, where were their kids sent to school? And so, yeah, there is choice, but some people can't afford that choice. [LB630]

SENATOR MORFELD: Yeah, Senator, I'll tell you right now that a lot of my family went to the Catholic school system, both here in Lincoln and in Omaha, and a lot of them also went to the public school system. My understanding talking to Catholic school teachers--I haven't talked to the diocese directly--is that if you are poor that you will get "scholarshiped" into the Catholic school system and they are very generous about that. So that...I don't think that... [LB630]

SENATOR LARSON: Maybe that parent doesn't want that religious education as part of it. [LB630]



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SENATOR MORFELD: Perhaps they don't, but that's still a choice. And then they can also option enroll as well, that's a choice as well. And so there's a lot of different choices. So I just want to put on the record--and we can disagree on whether or not that's enough choice, that can be a disagreement--but I just want to note for the record that there is a lot of different choices that are already out there and that are viable. But thank you, Senator. I appreciate your passion on this issue. [LB630]

SENATOR GROENE: Senator Pansing Brooks. [LB630]

SENATOR PANSING BROOKS: Thank you. Thank you, Senator Larson, for coming back again. Could you let me have the statistics on why you think Nebraska schools are failing? Now if you'd said some Nebraska schools are failing or not living up to what they should do, I would agree. But I just (inaudible)... [LB630]

SENATOR LARSON: I did say some Nebraska schools have some of the largest achievements gaps. I can get you the exact statistics of the achievement gaps in OPS. I can get you the statistics from the Department of Education that have the... [LB630]

SENATOR PANSING BROOKS: OPS and Santee. [LB630]

SENATOR LARSON: ...failing schools, I can get you...we can get you all those statistics of those schools that are failing. Obviously, LB630 focuses on those schools that are rated in the lowest category of the Nebraska Department of Education, which means they are under our current rating system called needs improvement. And that...I don't think the rating system is sufficient, but... [LB630]

SENATOR PANSING BROOKS: Okay, we aren't talking about that. I agree, I mean I understand that people can disagree on that. So, again, on school choice in Lincoln Public Schools I believe we have a lot of school choice. We have private schools, we've got the science program, IB program, the arts and humanities, the entrepreneurial school program, we've got the trade program out at Southeast Community College, plus you can choose to go to whatever high

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school you want. So I don't know what is needed more for choice in that, but do you think that there should be more choice than that? [LB630]

SENATOR LARSON: Absolutely. There should always be more choice there. The parents should have... [LB630]

SENATOR PANSING BROOKS: How many choices should there be? [LB630]

SENATOR LARSON: If there is an independent public school that meets the requirements in a district that has failing schools, then there should be a choice. The fact that there is one failing school in Lincoln Public Schools, as rated by the Nebraska Department of Education, is one school too many, which means that there should be added choice, because there are kids that are going to that school... [LB630]

SENATOR PANSING BROOKS: Okay, what about helping (inaudible) those schools? [LB630]

SENATOR LARSON: ...that aren't being educated to the standards that we expect. [LB630]

SENATOR PANSING BROOKS: Thank you, Senator Larson. What about helping those schools and giving more direction and resources to those schools that are having some trouble that have higher poverty, that have higher needs. [LB630]

SENATOR LARSON: I think that we've seen in other states, in other cities such as Chicago, such as New York, such as D.C. that charter schools not only offer choice, but help consolidate or help push, as I said and we can get you statistics, because they...as I quoted in my introduction, that there is no evidence that charter schools hurt those schools. And, frankly, oftentimes we see an improvement in all public schools because they have to move and compete with the charter schools. As I've said, I disagree with our President, our former President I should say, on many issues. But he was right about charter schools. He saw the market...he created the marketplace, he pushed for it in the Department of Education and he saw an improvement in the poorest and most violent school districts across this nation. He and Arne Duncan did something that was beneficial and fought the unions and pushed for education and

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closed the achievement gap. One failing school is too many, and if there is one they deserve more choice. [LB630]

SENATOR PANSING BROOKS: Okay. And what about the...I mean, the issues that I've read about with charter schools include the disruption of kids because we're talking about corporations basically that go in and out of business. And so what about that disruption that is, in the reading that I've done, highly damaging to the students? [LB630]

SENATOR LARSON: Well, I'd make the argument that there are proven models of CMOs that continually work across this country, whether it's the BASIS or Success Academy or Achievement First. If you want to talk about a corporation that goes out of business, these are all nonprofits. Can they be closed? Yes. But part of our problem with our current public school system is if a failing school is failing, it cannot be closed. It just continues to fail, and we've seen that over and over, whether it's an OPS or whether it's an LPS. With a charter school it will close and those students will go to a different school, but if they're in the current traditional public school system they will just continue at that failing school. So I don't...I think that's probably worse, that they'll just continue on at a failing school. [LB630]

SENATOR PANSING BROOKS: Okay. I just don't believe that's happening, but I think that there are attempts to work with those schools and... [LB630]

SENATOR LARSON: There's an attempt, but that doesn't mean that it doesn't continue to fail. [LB630]

SENATOR PANSING BROOKS: ...(inaudible) such a small percentage of schools that are failing in Nebraska, that I bristle when I hear that. (Inaudible)... [LB630]

SENATOR LARSON: Well, under the Nebraska Department of Education's scoring model, you might say it's a small percentage of schools. But it's also the Nebraska Department of Education is struggling under the SSA at the federal level to...that their scoring model wasn't up to federal regulations. [LB630]

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SENATOR PANSING BROOKS: Okay. And then the last thing I wanted to talk about that I've read and have concerns about is what's called taking the cream off the top. And the...it seems to be an effort to take the best and brightest students to sort of have placement testing, which allows charter schools to restrict socioeconomic classes and...you can laugh, but... [LB630]

SENATOR LARSON: Did you read the bill and understand that this is done on a lottery basis and that can't discriminate either against socioeconomics or race or gender or sexual discrimination? [LB630]

SENATOR PANSING BROOKS: (Inaudible)...read the statistics about it and read the... [LB630]

SENATOR LARSON: But I'm asking LB630, specifically. It's done on a lottery basis. [LB630]

SENATOR PANSING BROOKS: Lottery? There are ways to get around that lottery system on what's (inaudible)... [LB630]

SENATOR LARSON: You have to have a sibling, yes. Somebody...one of your siblings have to already be in there. But other than that, LB630 dictates a lottery. [LB630]

SENATOR PANSING BROOKS: And also, geographic diversity and ability to get to that school. Those are my concerns. [LB630]

SENATOR LARSON: Well, LB630 also has the same transportation requirements that are required under current state statute, so that shouldn't be an obstacle either. [LB630]

SENATOR PANSING BROOKS: Thank you, Senator Larson. [LB630]

SENATOR LARSON: You're welcome, Senator Pansing Brooks. [LB630]

SENATOR GROENE: Senator Kolowski. [LB630]

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SENATOR KOLOWSKI: Thank you, Mr. Chairman. Just a minor adjustment, I think. Senator Morfeld mentioned OPS having, I think you said 44,000. I think it's 53,000 to 54,000 students. [LB630]

SENATOR MORFELD: Correct. [LB630]

SENATOR KOLOWSKI: Just so we have that correct on the record. Senator, you mentioned the personnel decisions in OPS. And have you had vast personnel... [LB630]

SENATOR LARSON: I said administrative staffing is what I... [LB630]

SENATOR KOLOWSKI: That's a personnel decision. [LB630]

SENATOR LARSON: Okay. [LB630]

SENATOR KOLOWSKI: And have you had vast experience in personnel that you made the comment that detaining that number (inaudible)... [LB630]

SENATOR LARSON: All I said was they have more administrators than there are students in my largest public school. [LB630]

SENATOR KOLOWSKI: And what else... [LB630]

SENATOR LARSON: That's all that...and I said from my...I don't remember what I said after that, but I know that was my comment. [LB630]

SENATOR KOLOWSKI: You said other things (inaudible) as well. From 2009 to the present date, 2017, as OpenSky and other sources have shown us, we're just getting back to the financial level within the schools that we had in 2009... [LB630]

SENATOR LARSON: Are you familiar why we had that...are you familiar why we had such a high level in 2009? [LB630]

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SENATOR KOLOWSKI: Appropriate level (inaudible). [LB630]

SENATOR LARSON: Why we...I would say a high level; are you familiar with why it was inflated in 2009? [LB630]

SENATOR KOLOWSKI: Yes, some. [LB630]

SENATOR LARSON: It was federal funds based on the TARP Relief program instituted by Congress...well, President Bush at the time, and continued on by President Obama. So we had an infusion of federal dollars that boosted our TEEOSA formula. I was here in 2011 when we had to make that cut. Looking at this panel, nobody else was. And what...and essentially I had long conversations with Speaker Flood and Senator Fischer, now U.S. Senator Fischer, that...what was...we had one-time infusion money that we put towards the state aid formula and it was the understanding when that money went away from the feds, we would drop back down. And that's what happened. So we can continually say, oh, we're just getting back to that level. Well, we're just getting back to that level with state dollars. But at the time, we were using one-time federal money to boost our state education...boost the TEEOSA formula. And I'm sure you are familiar with that. [LB630]

SENATOR KOLOWSKI: I am. [LB630]

SENATOR LARSON: So I just want to make sure that we're being accurate in our representation of where we are coming with state funds. [LB630]

SENATOR KOLOWSKI: So we're sitting on a 2009 level in 2017. [LB630]

SENATOR LARSON: 2009 level...we have finally gotten to that level with state funds. In 2009, we were using federal funds to be at that level and it was the understanding of this Legislature that when those federal funds lapsed, we would not reappropriate them. [LB630]

SENATOR KOLOWSKI: But they had been...that doesn't slow down the prices of doing business in school on a yearly basis; that has gone up every year with the challenges of salaries,

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teachers, materials, equipment, books, all those kind of things. So we're just getting back to a level that is still deficient at the current time. [LB630]

SENATOR LARSON: That's your opinion. [LB630]

SENATOR KOLOWSKI: That is more than my opinion. There's a number of things that have been shared by OpenSky and other authorities within our jurisdiction. [LB630]

SENATOR LARSON: If you consider OpenSky an authority that, again, that's your opinion. [LB630]

SENATOR KOLOWSKI: That's correct. And I think we can prove that in other data as well. Thank you. [LB630]

SENATOR GROENE: Any other questions? Senator Walz. [LB630]

SENATOR WALZ: Thank you, Chairman Groene. All right, I do have a question again about...and I apologize if you may have answered it. The lottery...I did read the bill and maybe I missed this, but it says if the total number of students who are eligible to apply...can you first... [LB630]

SENATOR LARSON: What page are you on? [LB630]

SENATOR WALZ: I'm on page 10. [LB630]

SENATOR LARSON: Line? [LB630]

SENATOR WALZ: Ten. [LB630]

SENATOR LARSON: Line? [LB630]

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SENATOR WALZ: Line 11. The total number of students who are eligible, what...I didn't see anything about what eligible means, and maybe I'm (inaudible)... [LB630]

SENATOR LARSON: That's more at the beginning of the bill when an independent public school submits their application to become an independent public school, they have to say how many children they will accept and how...and essentially allowed to be there. So as you read through it, if the total number of students who are eligible to apply and attend an independent public school plus siblings and students are already attending the school is greater than the number of spaces available, essentially, there's more than that independent public school shall conduct a lottery to fill all spaces in the school from among such students. So, essentially, at the beginning, if more students apply to go to the...if we're talking year one of an independent public school, if more students apply to go that public school than there are spaces available, it will be a lottery. And then every subsequent year, students will apply to get into that school. And if more people are applying than there are already...than there are spaces, they will have a lottery to get in. [LB630]

SENATOR WALZ: Okay. So how do you prioritize that pool of eligible kids? [LB630]

SENATOR LARSON: There is no...the only priority that a...that LB630, there is an insinuation in the bill that the only priority that anybody would have would be a sibling. It has nothing to do...otherwise than that, it is a pure lottery basis. [LB630]

SENATOR WALZ: Okay. And then... [LB630]

SENATOR LARSON: Because we want to keep siblings together, essentially, if my five year old, it he's going to one school, it wouldn't behoove my new eight-week-old when they...if they end up going to the...we would want them to go the same public school, whether that's a charter or an independent public school or a traditional public school. [LB630]

SENATOR WALZ: So how is the lottery conducted? [LB630]

SENATOR LARSON: By drawing numbers, like a typical lottery. [LB630]



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SENATOR WALZ: By drawing numbers? [LB630]

SENATOR LARSON: A lottery...a lottery is a lottery. [LB630]

SENATOR WALZ: Who draws those numbers? [LB630]

SENATOR LARSON: I would assume that it would be the school. [LB630]

SENATOR WALZ: The school does? [LB630]

SENATOR LARSON: Yes. [LB630]

SENATOR WALZ: Is there anybody that oversees that? [LB630]

SENATOR LARSON: Um, if you want to write in that the independent public school commission oversees that, I'm more than happy to put that in there. [LB630]

SENATOR WALZ: Not willing...draw...appointed by (inaudible). [LB630]

SENATOR LARSON: I would be more than happy to say that the independent public school commission needs to oversee each lottery if that's something that would appease you and get your support for LB630. [LB630]

SENATOR GROENE: Senator Linehan. [LB630]

SENATOR LINEHAN: Thank you, Chairman Groene. Thank you, Senator Larson, for being here. So am I correct that your...these schools would only be in attendance areas where the 87 needs improvement schools are already been found to need improvement by the Department of Education? [LB630]

SENATOR LARSON: Yes. [LB630]

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SENATOR LINEHAN: And are...is 28 of those in OPS? [LB630]

SENATOR LARSON: Yes. [LB630]

SENATOR LINEHAN: And the intent...your intent, and if language needs to be tweaked, it would be open to all kids in that school, whoever wanted to come. [LB630]

SENATOR LARSON: In that school district... [LB630]

SENATOR LINEHAN: There's no cherry-picking, there is no pruning. [LB630]

SENATOR LARSON: Yep, there is no cherry-picking or taking the cream off the top, as Senator Pansing Brooks said. [LB630]

SENATOR LINEHAN: Would there be an entrance exam? [LB630]

SENATOR LARSON: No. [LB630]

SENATOR LINEHAN: Would you accept kids with disabilities? [LB630]

SENATOR LARSON: Yes. [LB630]

SENATOR LINEHAN: If they had an IEP, you would still take them into the school? [LB630]

SENATOR LARSON: Yes. [LB630]

SENATOR LINEHAN: Okay. Thank you very much. [LB630]

SENATOR GROENE: Any other questions? [LB630]

SENATOR WALZ: I have one more question. [LB630]

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SENATOR GROENE: Senator Walz. [LB630]

SENATOR WALZ: Thank you, Chairman Groene. And we talked about failure of schools, who is auditing the progress of the charter schools? How is that...beside the commission? [LB630]

SENATOR LARSON: The independent public school commission. [LB630]

SENATOR WALZ: Is there anybody else that's doing the auditing? I mean, that's pretty, you know, they're all working for each other. Is there anybody else outside... [LB630]

SENATOR LARSON: Why is the independent public school commission working for one another? They have members appointed by the Governor. And also, there will be two members appointed by the Department of Education. Regardless of which Governor it is...governors come and go. [LB630]

SENATOR GROENE: You done, Senator Walz? [LB630]

SENATOR WALZ: Um-hum. Thank you. [LB630]

SENATOR GROENE: So if they set one up in North Platte, we have, I think, one school. How are they funded? [LB630]

SENATOR LARSON: They are funded out of the...it's my understanding they are funded out of the TEEOSA formula and it is...they get per pupil the average of what it costs in the state of Nebraska to educate a student. [LB630]

SENATOR GROENE: So they're like an option. [LB630]

SENATOR LARSON: Exactly. So it won't come out of North Platte's total pot of money; it comes out of the whole state's pot of money first. [LB630]

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SENATOR GROENE: But their enrollment numbers would go down in North Platte and then their TEEOSA would go down, state aid would go down. [LB630]

SENATOR LARSON: Possibly. [LB630]

SENATOR GROENE: But they (inaudible)... [LB630]

SENATOR LARSON: Not necessarily, it depends if North Platte gets state aid...or equalization now. For example, O'Neill, I don't necess...I don't think O'Neill has a failing school, so O'Neill would not be eligible for this. [LB630]

SENATOR GROENE: So the local school district does not share any of their property tax base? [LB630]

SENATOR LARSON: No. [LB630]

SENATOR GROENE: They keep all their property tax base. [LB630]

SENATOR LARSON: Yes. [LB630]

SENATOR GROENE: It's just option money; same amount an option enrollment student go, but this is just a school that's completely funded... [LB630]

SENATOR LARSON: Um-hum. [LB630]

SENATOR GROENE: And it's set up by private, nonprofit organizations? [LB630]

SENATOR LARSON: Nonprofits, yes. [LB630]

SENATOR GROENE: So, if it's set up by individuals who America has treated them well and want to donate some money and start this, they can infuse money into the school system too. [LB630]

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SENATOR LARSON: Yes. [LB630]

SENATOR GROENE: But it has to be not for profit. [LB630]

SENATOR LARSON: Exactly. [LB630]

SENATOR GROENE: So (inaudible)... [LB630]

SENATOR LARSON: They are nonprofits. [LB630]

SENATOR GROENE: All right. And they...I believe it said in here they have to take NeSA and all the same testing these students that... [LB630]

SENATOR LARSON: Yes, sir. That is how we grade the students and ensure that the charter school is successful. [LB630]

SENATOR GROENE: But are you catching here that...why would anybody worry about a lottery if the charter school's education isn't as good as the public school, there wouldn't be people waiting to list the people trying to get in, would there? [LB630]

SENATOR LARSON: If a charter school isn't as good as the traditional public school, then no, they wouldn't go to that charter school. [LB630]

SENATOR GROENE: So it wouldn't be a waiting list on the lottery. [LB630]

SENATOR LARSON: No. There wouldn't be a lottery if that school....if there aren't enough kids to go, they would just be accepted. [LB630]

SENATOR GROENE: Parents who want their children...to direct their children's education instead of government? [LB630]

SENATOR LARSON: Yes. [LB630]

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SENATOR GROENE: Is that what you're at here? [LB630]

SENATOR LARSON: Yes. [LB630]

SENATOR GROENE: All right, thank you. And funding though, it would be extra funding, the state would have to come up with extra funding. [LB630]

SENATOR LARSON: We wouldn't have to come up with extra funding, it could just come out of the current TEEOSA formula. [LB630]

SENATOR GROENE: Well, that's what the gripe is that that school...that public school still has its overhead and students now are going to be directed to another building. [LB630]

SENATOR LARSON: And, you know, you look in New York, you look in D.C., there are places where a charter actually shares the building with the traditional public school, but just operate among themselves...they operate separately, but they share a building. So many ways can be set up. [LB630]

SENATOR GROENE: What factors, I mean, we're talking a teacher, we're talking a classroom, and the student, the three components of education. [LB630]

SENATOR LARSON: Okay. [LB630]

SENATOR GROENE: Why...what is inserted into a charter school that you believe the outcomes are better, nationally? [LB630]

SENATOR LARSON: Nationally? Charter schools, oftentimes, have the ability and there are people behind me that can probably answer this question better because they've been involved in charter schools, they have run charter schools, they've created charter schools. But in my layman's terms, I think charter schools have more flexibility, they have more flexibility to create their own curriculum, they have more flexibility to not deal with a union that cares more about their members and those members' retirement benefits and hours that they work total that

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teachers in the charter schools oftentimes stay longer, work harder, have longer school years, and have an extremely invested interest in their students. Because oftentimes in the areas that these schools are in, they are the areas that have the highest achievement gaps; they are the areas that are the most crime ridden. We've seen that in Chicago; we've seen that in New York; we've seen that in Washington, D.C., and as someone who attended university in Washington, D.C., and lived in New York City, I understand, even though I did live in more...two of the wealthier parts of both of those cities, it doesn't mean that you don't...how do I want to say this, get a grasp of what is happening in those cities. [LB630]

SENATOR GROENE: Does...cut you off, but does all the expert theory things follow all the sport teams, all the... [LB630]

SENATOR LARSON: It would be up to each one of those school whether or not they have a sports team. [LB630]

SENATOR GROENE: They have to... [LB630]

SENATOR LARSON: They don't have to have a sports team, no. And that might be a deciding factor in whether or not a student goes to those schools. They do or don't have to have a sports team. [LB630]

SENATOR GROENE: How is it operated in most of the other states? Do they...does all of that extra stuff follow... [LB630]

SENATOR LARSON: Yeah, that's all...if a...again, there are people behind me that have create the charter schools. [LB630]

SENATOR GROENE: Great. Thank you, we'll ask them. [LB630]

SENATOR LARSON: Yeah. But it's...I don't think it's necessary...whether or not your school has a football team or a wrestling team or whatever else, that's not why we have education. They can

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offer benefits, but the true...that's not why we have public schools and that's not why we send our kids K-12. [LB630]

SENATOR GROENE: That isn't why we created public schools to citizens. [LB630]

SENATOR LARSON: They're not for our sports teams. [LB630]

SENATOR GROENE: Senator Morfeld. [LB630]

SENATOR MORFELD: Thank you, Senator Groene. Do you have any research or data to back up the claim that charter school teachers work harder than public school teachers? [LB630]

SENATOR LARSON: I have a father that's a public school teacher and maybe I misspoke when I said that they work harder. My mother sits on a school board as well. So I understand the educational issues, so I'm not saying the public...the traditional public school teachers don't work hard by any means, I understand that they do. But oftentimes a union contract will limit the amount of time that a school district can mandate a teacher. I think that was probably what I was getting more towards, and if I misspoke, I apologize to those public school teachers. Like I said, I have a father that is one. My focus was much more on there are union contracts that mandate that they can only work so many hours, and charter schools oftentimes have flexibilities that they don't have those mandates or collective bargaining from the unions. And I understand if members of this committee want to oppose this because of the union or whatever else. I think we just have to be honest with ourselves of what's happening. [LB630]

SENATOR GROENE: Any other...are you done, Senator Morfeld? [LB630]

SENATOR MORFELD: I'm...I'm finished. All I have is a statement, but I'll refrain. [LB630]

SENATOR GROENE: We need to keep moving. Senator Kolowski. [LB630]

SENATOR KOLOWSKI: Thank you, Mr. Chairman. Back to your statement, Senator, on union hours or whatever you want to call them. Forty-one years in public education, I saw many



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teachers across the board giving many more hours than we ever paid them for. And if you don't have an understanding of that, then we're at a deficit here. [LB630]

SENATOR LARSON: I understand. As you said, that...my father was my high school wrestling coach, as well as putting in many more hours than he needed to as well. And I'm not saying that they don't put in the hours, I think many of them do. I also understand, like I said, if we want to be honest of where we are and on this committee you will hear from many union members, you'll hear from the NSEA themselves that they oppose this. And part of that is because of the collective bargain. I know the NSEA has saved members of this committee in terms of elections and will be in certain places because of that. [LB630]

SENATOR GROENE: Thank you, sir. Any other questions? Thank you, Senator Larson. [LB630]

SENATOR LARSON: Thank you, Senator Groene. [LB630]

SENATOR GROENE: Proponents. Go ahead. [LB630]

JASON EPTING: Good morning, ladies and gentlemen. This is still morning. No? Wow. My name is Jason Epting, J-a-s-o-n E-p-t-i-n-g. I'm here today because I happen to be a North Platte native. I grew up here in Nebraska and I actually benefited from the public school system here at Nebraska. I'm very pleased with the school system that I've had here. But right now, I'll tell you guys all this; I chased a girl, a North Platte girl to New York and I've been using my educational talent there for the past 11 years. I have taught at a charter school called Harlem Village Academy Middle School where I was first a social studies and science teacher. Then I did physical education and ELA, and then I also had the opportunity to teach math as well, because I have a...I did get my teacher's certification here in Nebraska from the University of Nebraska-Kearney, and then also got my graduate degree from University of Nebraska-Omaha. So I do want to let you guys know I am a Cornhusker for life. And the reason why I'm coming here today is because I want to make sure that we take care of all the students, every single student in Nebraska, although we have great public school system here, we should give those same excellent school system to every single kid in every single district. I'm currently the principal of

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Harlem Village Academy Middle School where I've been the principal for six years. And I can answer a lot of questions that have been posed here today about how we did things. So I'm actually here just to give more insight on some of the things that we did. But I do want you to keep in mind that some of the things that need to happen in Nebraska in order for this to work has to be specific to Nebraska and to Nebraskans. So New York isn't exactly the same as Nebraska. I understand that. But we do have some areas that I do know that everyone status quo isn't the same everywhere and their educational...educational experience is not the same in every single school from district to district. And we just...I'm here to talk about how we've overcome some of those things where some of our kids came from the lowest performing schools; they came in three to four grade levels below and then we can get them back on grade level in about two years and then follow them all the way through college so that they're actually graduating from college. Ninety-eight percent of our students are Harlem Village Academy's actually got accepted into four-year colleges, and most of them are first college attenders in their family. So the reason why I'm here is I just want it better for our kids in Nebraska and for...in Harlem or anywhere than I had for myself. [LB630]

SENATOR GROENE: Thank you. Any questions? Senator Morfeld. [LB630]

SENATOR MORFELD: Thank you for coming back and thank you for staying a Cornhusker. [LB630]

JASON EPTING: Always. [LB630]

SENATOR MORFELD: Do you think that Nebraska schools are failing? [LB630]

JASON EPTING: I think that Nebraska schools, actually, most of them are doing pretty well. But it's important to think about it this way though: if there's even one kid or one school that's failing, that's somebody's kid who does deserve opportunity to have a great education. Every time I look at my students in my school, whether it's Jeriah, (phonetic) if it's Calvin, (phonetic) if it's Synia (phonetic), whoever it is, I got to look at them like they're my own child. I can't just look at them like, well, things are going kind of okay everywhere else, so let's just...so we'll figure that out later. That's somebody's livelihood; that's somebody's future. And if somebody

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else can come in and do it better than I can, then I'd rather step down and let them do it. I do understand that there's been a lot of efforts and everybody's intentions are to do the best they can. Every teacher in this room has best intentions for their kids, for their community, and that's why...it's a sacred calling to be a teacher. But if you think about this for a second, if there's one kid who is not getting what they're supposed to, I invite any teacher to come and see what it looks like when teachers have low expectations for kids. It's the most heart breaking thing you can see. And then we make excuses for why they can't learn. We just can't do that anymore because there's been people who have figured this out. And I know now we can use that to service every single kid in Nebraska that they can have the best thing that's tailored for them, even if they're three to four grade levels behind and even if their parents were parents in schools that are actually failing. [LB630]

SENATOR MORFELD: Do you think that there are failing charter schools? [LB630]

JASON EPTING: I do...oh, absolutely. There's some failing charter schools and they should be closed down immediately. And the reason why they have...there's charters, there's a lot of accountability measures when you bring a charter to any area. Us, we have auditors, we have a board, we have...we have to sometime provide more evidence than any public school because...because it's such a vulnerable situation. We don't want anyone coming in here and saying, hey, I think I can do it and just do it. I don't think that any of the Nebraskans here would ever let that happen because you already have a really good system for public school. It's just in some areas though, we need to put more attention to those. And we don't have time to wait for those school districts to figure it out. I believe that there should be a choice. And because we provided that choice, you should hear some of the stories that our students come and say about what did it mean to be a Harlem Village Academy student? What does it mean for me and...who am I now, because I went through this educational experience that was tailored directly for them and not a one-size-fits-all model. [LB630]

SENATOR MORFELD: And so in the public school system that we have right now, I have no doubt that maybe there's one or two kids that could be doing better. Do you think that we can fix...so let's assume for a moment that we accept the premise that there's a public school within Nebraska school system overall that's not doing well, that can be doing a lot better, let's just

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assume that right now for sake of this argument. Do you think that we could fix that school through our current public school system? [LB630]

JASON EPTING: I've looked into this many times and I'm not...I don't know everything, right? But it's really difficult to do that from within sometimes. I've seen people try to turn around schools within and it's just...usually it doesn't work that way. Usually what I found is, and I'm going to say this like...I think the way that you're saying it, if I'm interpreting it right, is we have one or two students. I have to push back on that a little bit because I feel very passionate about this because... [LB630]

SENATOR MORFELD: No, that's actually, sir, and I'm sorry to interrupt, because I don't want to go down a rabbit hole, because I know we've got a lot of other testifiers. What I am saying is, not that I don't care about one or two students, it's can't...if we have a public school, right now, that is not up to our expectations or standards, can we change the system so that that public school is up to our standards? And I'll make this note, I'm the executive director and founder of a nonprofit and I know of nonprofits that I work with that are really tough to change and work with too. And those are the types of nonprofits that would be receiving public dollars and would be running these schools. So I guess the point that I'm trying to get to is that this doesn't change anything. I mean, what we need to do is make sure that we keep having... [LB630]

JASON EPTING: I hate to interrupt you, sir, but it does change things, because I've actually lived it. That's the whole thing. I think that we're going off assumptions of things we don't...we have never seen, but I've seen it with my own eyes. I run my own school. I've written...we've written our own charter. I watched 11 years of students go by and they came in and they're...I had a culture and a discipline and we set mindsets, and we sat on people's couches and told them that they can achieve greatness once other people in somewhere...somewhere, and I'm not saying one or two in our black and brown communities right now, no one is saying that to them. So that's why I pushed back on you. [LB630]

SENATOR MORFELD: Actually, sir, I help run a program where we do do that in the public school system. [LB630]

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JASON EPTING: Thank you. And how do you...and they're still failing school, so tell me now why are there still failing school in these districts? And I'm not talking about giving...like, if you're with students and our students come to school at 7:15 in the morning, they leave at 4:30. Our teachers stay there long as well and they spend all of...like, New York is a little strange, I don't know why, but in July they have their summer, but all of August we're making...it's a learning community for the teachers who are actually developing just to be prepared for the students that are coming in. There's some intentionality to some things that charters actually can do. And here's the thing, if there is something that the public schools system could do, let's do it. But there are some schools who are systematically and have...have been...we've been down this road for so long and those students are just sitting in there, and their parents sat in that school too. There is something that has to be done. If...I think that you could use different models; you can try different things, but it has to be an intentionality to those actual places. Because the thing is, if my sister who went to North Platte Public Schools had a great experience, but there's a kid at Omaha North who does not have a great experience, I just don't think that that's really fair. And I don't think that they...we don't have much time to keep doing that. We have to bridge that gap because what we've seen with the school to prison pipeline and what we seen with the data that's even in OPS schools like why black students are getting suspended more than other students and those things. These are all issues that we have to be transparent about and just do exactly what's needed to make sure that we are giving them the best educational experience with no excuses about poverty and those things. Yes, we...all my students, there's...it's about 90 percent free and reduced lunch. So still...and that's all the way throughout. And then, 30 percent of my school...30 percent of my school is...have IEPs. And then also, we have ELL learners, which is English language learners. And I have some people...a big refugee population. There's no excuses why kids can't learn. We just have to be very, very diligent about doing that. And I just haven't seen that happen every single place. And I think it...we should look at it as if it was our own kids. My kids, Kate, (phonetic) Keenan, (phonetic) Maddie, (phonetic), shoot, I forgot my kids' names, Lincoln, (phonetic); listen to these names, they're awesome, Lincoln, (phonetic) Creighton, (phonetic) Maxwell, (phonetic) all these...all my...I look at them as the same exact way. And it has to happen for everybody. And the thing is, I don't suspect like there's charter schools popping up and everybody is going to want to go to them. Think about it for a second, these public school teachers behind me are great teachers. Nobody is going to try to leave them. You get a good teacher, a good school, a good leader, you stay in that place. But if you know that

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something is not working, you know that you need something else, they should have a choice to go somewhere else. So I think teaching is a sacred calling and I'm...when I'm done being a principal, I will teach again. However, I do...I know that there's some work that needs to be done with students who are two to three, four grade levels behind and they need a different kind of education than usually what, at least in New York, what the public school system can provide. [LB630]

SENATOR MORFELD: Thank you for coming today and I appreciate you coming out here to share your experience. [LB630]

JASON EPTING: Thanks, brother. [LB630]

SENATOR GROENE: Senator Kolowski. [LB630]

SENATOR KOLOWSKI: (Inaudible). She had her hand up. [LB630]

SENATOR GROENE: Are you done? Senator Walz. [LB630]

SENATOR WALZ: Thank you, Chairman Groene. I'm just kind of curious, what specific things do you do in charter schools that make it so good? Specifically. [LB630]

JASON EPTING: Okay, yes. I will tell you what I do in mine so I can speak from my experience, and then you can think about...I do want you to keep in mind that everyone's school is status quo just like our...like some schools are dysfunctional, some schools have discipline issues, some schools have management issues, they have, like, lack of leadership issues or poor teaching that, I just want to keep that in mind. With that being said, one thing we...we have longer school hours. We get to pick and choose what our curriculum is going be. We use single-port math for the most part. [LB630]

SENATOR WALZ: Okay. [LB630]

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JASON EPTING: Yeah, we use...we get to pick what's...what's...we fight, first of all, get diagnostics of our students. We figure out where they are...where they are specifically. Then each student we have a plan for them on how they're going to move and proceed. So it's a lot of intentionality on every student having their own educational schedule. We use the best practices all over the country. Say that like, if we see something that works really well that actually engages students, and like a lot of the students I have need more kinaesthetic learning, they need more hands-on experiences, they need more critical thinking because they haven't gone through these things before. We provide that kind of education for them. So I get to pick and choose like what our curriculum is going to be and how we can best meet the needs of our students and then we track it too. There's accountability measures in everything we do. For instance, we see where a kid is reading when they first come with us, but then we steadily track them to make sure that...like assess them to say, like, wait a minute, is what we're doing good? And we do that, actually, daily. So it's not like we wait until a state test and then we go, oh gosh, we really...we didn't do a good job. We look at these things daily and we teach our teachers even how to look at rubrics on every lesson plan that they have and say, wait, where do our kids fall and what are we going to do tomorrow. So it's that kind of intentionality to our professional development of our teachers, making sure that there's a shared vision too, because if not everybody is on board and everybody is like kind of doing their own thing, that's when a school usually fails. And then the other thing is just making sure that you have parents on board for sure. So our parents, if I...like right now, I probably got like 16 texts from my parents because every teacher gives out their phone number and they can text at any time just if they need help with their skills or whatever it is; or if there is a discipline issue that actually happened at school. So I will say our school, like, we built a culture around urgency, but also love. And I think that the people buy into those things because they feel like someone cares about them. And if you have somebody...I mean, I always shake the hands of every one of my scholars every morning and make...build personal connects with them because I think that should happen...I think that should happen everywhere we're building personal connections. But if you have someone telling you every day that you are created for a purpose, you're destined for greatness, even though outside they're telling you, you know what, you're never going to amount to anything. Even their parents sometimes, you're never going to amount to anything. You can stand out on the corner, you can sell drugs, you can do that, you can do this. We're trying to fight those different (inaudible), so just our...us having a shared mindset and telling them you are destined for greatness and created for a purpose. Having

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that fit all the way through 12, or K all the way through 12, we found that that's been very...the secrets to our success. [LB630]

SENATOR WALZ: And I...you know, listening to (inaudible) I was a teacher, and I really feel that we do the same things. I mean,... [LB630]

JASON EPTING: Yeah, you do. [LB630]

SENATOR WALZ: We spent a lot of time in school. We do test just about daily, too, as well. It may not be a standardized test, but we're constantly testing and making sure that our kids are understanding the concepts and tracking. You know, we have professional development. I mean, there may be a few things that I think that we can work on. Are those things that you feel we could provide training to teachers in school districts? [LB630]

JASON EPTING: Well, I think that...yes, any best practice that I...like what I said, I don't care if you're in a traditional public school, or traditional...or a public charter school or even a private school, you have to do the best what the kids in front of you...professional development is always something that you do, making sure that you're actually looking at what the kids are doing is always that. The problem is, I think we keep assuming, well, everybody is on the same level. Right, so? And these schools that we're seeing, something is going wrong in like not...it may not just be a development issue, it may be...and here's the thing that's great about my school, I've noticed that...I was like, you know what, I have some teachers who have the best intent. And they love kids and they work hard; they work harder than...then they...no, they don't work harder than me, but they work real close to as hard as I work. And then...but they don't provide results. They might be...I don't know what the...I don't know what it is, but I have the opportunity to make sure that I give them a chance and develop them. But if they can't make it, our kids don't have very much time to lose one year of learning, they have to go. [LB630]

SENATOR WALZ: Um-hum. [LB630]

JASON EPTING: So that's something I know you can't do right now. And I know that sometimes teachers are even moved or shifted to see if they're better fits in other places. But our kids that



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are in those failing schools need the best teachers. And I will challenge anyone who thinks they're like a really great teacher to now switch places from their district, go to those schools, do it, and just see what it feels like so you can now say, okay, now I see the whole picture and now I appreciate what I do even so much more because now I got to see what everybody's status quo is like. And then all of us will get better if we get to know exactly what's going on at each school. I think there's this assumption that like being good is okay, but when we're talking about kids and like breaking cycles of poverty; instead of a kid going to jail like his dad went to jail, having a boy who is 14 years old thinking about, man, I'm going to...Ms. (inaudible) thinks that I should have a library in my home. I'm going to start building a library in my home. Now, you're making generations change in that. And I think that that message sometimes...we can't get that message out and I'm going to be very transparent here, sometimes there's a cultural aspect that needs to be addressed too that sometimes that if you talk to students of color, they feel like they do need to have some things that look more like them that's culturally relevant to them so that they can learn in a higher level and a more advance level, something that's tailored to them. [LB630]

SENATOR WALZ: Um-hum. And that, you know, I really appreciate everything that you said, I sincerely do. There are some things that we can certainly always learn, you guys can learn, everybody can learn. [LB630]

JASON EPTING: Everybody, yeah everybody. [LB630]

SENATOR WALZ: I mean, everybody can learn new techniques, new things, new ideas. I do think that it's something...just like you are able to teach a child to go beyond. I think we're able to do that with our public schools. [LB630]

JASON EPTING: I hear you, and that's the good intention. You just have to prove it. That's the thing. Like, right now it's like I know that that could happen, but it's yet to happen and I think that...we need it to happen like if that's Creighton (phonetic) sitting there, you don't have two or three years to do that, like, you already lost him and once...and what's happening is like in some...and this happened in New York, is by the time a kid gets to eighth grade, they're not even functionally literate, but they've been pushed on and pushed on and pushed on because there's a façade that they're actually learning, but there's no evidence that they actually learned. So now,

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we have a bunch of high school dropouts and then guess what, now we...now we have a bunch more people who are in prison. It just...these things that we're thinking about right now, we just...there has to be urgency in it. And I have found that in our...the intentions of New York City public school is to serve the needs of all kids, but that choice did up the ante a lot for how much they were actually doing. And I believe that...I'm colocated with the schools as well, so I'm colocated with the school PS194, which is just a traditional public school. We work really closely to get each other, and since I've been there for 11 years, I'm just a guy on campus that kids are looking up to while my kids are respecting that principal too. So we've learned a lot from each other. We can't...that can happen here, that really can happen here. There shouldn't be a fight between...fight between...most of my teachers come from public schools. And their...either their school wasn't giving them what they needed to grow, and then they came to me and came to us because they felt like they were part of something that they could help build at the same time. So there's a lot to read to do this. I just have seen it work. I have testimonies from parents, I have testimonies from my students. There's text messages from a kid who is a senior in college now who still keeps in contact. It's...our kids deserve to have something like this (inaudible). [LB630]

SENATOR WALZ: How many kids are in your school? [LB630]

JASON EPTING: Every year there's 300 kids in our...my current school, which is my middle school. [LB630]

SENATOR WALZ: K through... [LB630]

JASON EPTING: And it's only fifth through eighth. [LB630]

SENATOR WALZ: Fifth through eighth. [LB630]

JASON EPTING: So our network though has five schools. Five schools, so there's two elementaries, there's two middle schools, and then they feed together into one high school. Once a kid comes into the lottery, which is...and the way it works in New York, I'll clarify this for you, the way it works in New York is...actually it's opposite than you think. It's...you don't get the

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cream at all, you actually have to make sure you go after and market the kids that are lower socioeconomic class, the ones that actually live in the actual...the low performing area. They get more chances to go to that school than any other kid that tries to come from Millard to Omaha, per se, or...I have kids who come in from New Jersey, by the way, all the way to my school. But they apply to be in a lottery and we can't...it's just like...just like the real lottery, like whoever gets on, they get on; and whoever doesn't, there's a waiting list for them to get on in the event that somebody goes out. A good movie to watch so you can understand and everybody can understand, it was called, it's kind of outdated now, but it's called Waiting for Superman, and it shows the beginnings of like the charter school movement and how devastating it was for some people not to get in some of these schools. However, things have changed a lot in New York because now there's so many choices, like, you have Harlem Success, and you have KIPP, and several KIPPS. You have Democracy Prep; you have, I mean, there's...I mean, there's so many people that I still steal ideas from in addition to traditional public schools. So I know that these things that have been...things that have helped the education in New York City (inaudible). [LB630]

SENATOR GROENE: Thank you. Senator Kolowski. [LB630]

SENATOR KOLOWSKI: Thank you, Mr. Chairman. Jason, great listening to you. I want to thank you... [LB630]

JASON EPTING: Thanks, man. [LB630]

SENATOR KOLOWSKI: ...for your testimony and what you're sharing from a middle school principal from a high school principal. [LB630]

JASON EPTING: Right. [LB630]

SENATOR KOLOWSKI: I want to share something that I think makes a difference with what we're trying to do here. And we were at the center of a lot of the development of the secondary school principals association, NSASSP, and Breaking Ranks report, if you're familiar with that? [LB630]

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JASON EPTING: Yeah, I am. [LB630]

SENATOR KOLOWSKI: That's been the major model many of us have used to become national (inaudible) schools of excellence. [LB630]

JASON EPTING: Yeah. [LB630]

SENATOR KOLOWSKI: And those are paths that we've done very well in the state and across the Midwest has been very successful with that. Your numbers, your time on task with the kids, your calendar year long, and your teacher preparation time, the money for teacher preparation time, all that's different than what we have. So we have to work within the different confines. But we're following many of the same things, your PLCs, professional learning communities, how they operate, what they're doing, have all the impact that ours have. And I thank you for your explanation and for your description. I'd love to visit your school. [LB630]

JASON EPTING: Yes, everybody is always welcome to come in, we have a open door. Even parents can walk in any time. You could even ask, hey, what are you learning? And if they can't tell you, then there's a problem. Like they should be the leaders of their learning. [LB630]

SENATOR KOLOWSKI: Yeah, thank you. [LB630]

JASON EPTING: Yes. [LB630]

SENATOR PANSING BROOKS: I have a question. [LB630]

SENATOR GROENE: Senator Pansing Brooks. [LB630]

SENATOR PANSING BROOKS: Thank you. Thanks for coming, Mr. Epting. I wish you'd move back to Nebraska because, obviously, you're a very inspiring principal or superintendent and we could use you here. Are you aware of where Nebraska rates in many of its tests, like the NAEP test and... [LB630]

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JASON EPTING: I'm sort...I'm not an expert in it. [LB630]

SENATOR PANSING BROOKS: Where we rank nationally? [LB630]

JASON EPTING: I am not an expert in...I don't...I have spoken with my colleagues who invited me here. And I...like I said, I...the numbers that I saw, I'm like, heck yeah, this is Nebraska, this is how we do things. That's awesome. I saw that. [LB630]

SENATOR PANSING BROOKS: It is. (Inaudible). [LB630]

JASON EPTING: However, the thing is, but if you're not doing that for every kid, then that...there's still room for growth and improvement. [LB630]

SENATOR PANSING BROOKS: There's always room for growth. [LB630]

JASON EPTING: And I get that. [LB630]

SENATOR PANSING BROOKS: And you have room for growth, you admitted, too, in charter schools. [LB630]

JASON EPTING: Absolutely. [LB630]

SENATOR PANSING BROOKS: So... [LB630]

JASON EPTING: So what I'm trying to say though, it's...while we could keep...we can tout those numbers...that...we should...everybody should be proud of the work that our public school teachers do in Nebraska all throughout the state. However, there's some attention that needs to go to some of these areas that are the most high needs and this is...these are the people that you can call sometimes the leftovers or the left behinds. It's not fair to them. We should give them something and we...there's a model out there that can help. I think that this model would help tremendously for those areas, not for everybody, just for those areas so that those kids can have a

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different kind of experience and feel the way that some of my kids have felt over the last 11 years. [LB630]

SENATOR PANSING BROOKS: Well, just...the area that you're talking about, partly, is Omaha and north Omaha... [LB630]

JASON EPTING: Omaha North, yeah. [LB630]

SENATOR PANSING BROOKS: Lincoln and Omaha, you know, most people...and you may think that Nebraska is still ethnically homogeneous, and we now have 32 percent of our public school students are from minority groups. So that's a huge change from when you were here in school. It's a huge change from when I was in school. [LB630]

JASON EPTING: Oh, gosh. [LB630]

SENATOR PANSING BROOKS: The changes that have occurred are something that the schools are dealing with. And I think that the fact of how the Department of Education is giving these schools just recently failing or whatever kind of grade you all think it is... [LB630]

SENATOR LINEHAN: Needs improvement. [LB630]

SENATOR PANSING BROOKS: Yeah, needs improvement. Yeah. Basically, it's failing. Then they are focusing on that to try to help that more. Meanwhile, Lincoln Public Schools, which teaches to 63 different languages in this city, that's pretty shocking... [LB630]

JASON EPTING: Yeah, it is. [LB630]

SENATOR PANSING BROOKS: Sixty-three different languages we are...we are number one among all the states in our percent of students taking the ACT and we're number two for those that have...for the average composite score. So I'm trying to figure out what the problem is that needs to be solved. There are issues, definitely, and we have heard time and time again when the Department of Education, others are coming forward, to say, you know, we have got to work on

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this. But to take state dollars away from the high-need areas where we're trying to focus attention and say, oh well, never mind, you guys don't do it right, we're going to come in with this whole other system, that isn't a hundred percent working anywhere. [LB630]

JASON EPTING: No. [LB630]

SENATOR PANSING BROOKS: And it's in states that don't have as high of scores as we have, it makes me wonder about what it's all about. And I bristle a lot, so. [LB630]

JASON EPTING: I understand your concern, Senator. But the thing is, I want to keep coming back to this. There's models out there that actually work and we shouldn't be afraid of those models. And the thing is, I tell like Lincoln Public Schools...my son goes to Lincoln Public Schools. He's now at...he actually goes to the University of Nebraska now. So that's wonderful. However, it doesn't excuse what's happening in Omaha North. It doesn't excuse even one school... [LB630]

SENATOR PANSING BROOKS: Anyone excusing... [LB630]

JASON EPTING: And that's the whole thing. Like I want us to zoom in on that because we can be so much better. Soon as we start at...like I would like to come back in two years or three years and come back and hear you tell that Omaha North has the same success that you've had in Lincoln Public Schools. But, however, I think that having...I think you can do that if...at the end if there is a choice. [LB630]

SENATOR PANSING BROOKS: I do too. [LB630]

JASON EPTING: Like, and here's the other thing, who are we to say that parents shouldn't have that choice of this other thing that they've seen that worked in other places that Nebraska kids can't have that because we are holding on to, oh, we're going to fix it? I just don't think that's acceptable. [LB630]

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SENATOR PANSING BROOKS: Because if it get state tax dollars that the taxpayers pay that's available...that has to make it available to everybody. [LB630]

JASON EPTING: Well, is it...but we're not taking any state tax dollars, even...every charter school gets a per pupil. If you look at it that way, it's like...we can look at it holistic... [LB630]

SENATOR PANSING BROOKS: How much does your school get from the state of New York? [LB630]

JASON EPTING: We get 75 cents to the dollar, which...per pupil. [LB630]

SENATOR PANSING BROOKS: Okay, so how much money is that? [LB630]

JASON EPTING: That's about \$12,000 for each student. And if they have an IEP it's a little bit more. I mean, every state is different in (inaudible). [LB630]

SENATOR PANSING BROOKS: How many students do you have? [LB630]

JASON EPTING: And we have 300 in my school. [LB630]

SENATOR PANSING BROOKS: Okay. And how many administrators do you have? [LB630]

JASON EPTING: I have myself, I have two deans of students, and a bunch of awesome teachers. [LB630]

SENATOR PANSING BROOKS: How many teachers do you have? [LB630]

JASON EPTING: Thirty-six. [LB630]

SENATOR PANSING BROOKS: Thank you. All right, thank you very much for your time, I appreciate it. Move back to Nebraska and help us. [LB630]



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SENATOR GROENE: Any other questions? [LB630]

JASON EPTING: My wife will kill me, no. [LB630]

SENATOR GROENE: Any other questions? Thank you, Jason. What year do you graduate? [LB630]

JASON EPTING: 1994. [LB630]

SENATOR GROENE: Oh, my son played basketball with your younger brother then at North... [LB630]

JASON EPTING: Jeron, yeah. [LB630]

SENATOR GROENE: Yeah. [LB630]

JASON EPTING: I played with him too. He was good; he was pretty good. [LB630]

SENATOR GROENE: You look alike, you and your brother... [LB630]

JASON EPTING: I remember him. No, I was...I taught those kids how to play well, they're good. No, I wish I could. [LB630]

SENATOR GROENE: Your younger...your sibling. [LB630]

JASON EPTING: Yeah. I just... [LB630]

SENATOR GROENE: That's how you learned to teach...teach your siblings. [LB630]

JASON EPTING: I beat them up a little, they needed that; now they're good kids, you know. [LB630]

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SENATOR GROENE: But do you sense...does it bother you like it bothers me that there's a competition, somehow that we're competing...a public school is competing with a charter or a private school, you know, we seem to think alike being around North Platte that it's about the individual child, that a child only has one shot at good education, only one shot. You don't throw him in with an average and say the whole state is doing good. Isn't that where you're coming from that that one child needs that opportunity and we can't say--well, the whole state is doing just great? [LB630]

JASON EPTING: That's true, that's true, sir. [LB630]

SENATOR GROENE: But there's a group of children in a certain area that need an opportunity. [LB630]

JASON EPTING: Yes, sir. [LB630]

SENATOR GROENE: Is that what you're doing? [LB630]

JASON EPTING: Yes, sir. [LB630]

SENATOR GROENE: And what I really appreciated you saying was--no excuses, high expectations. [LB630]

JASON EPTING: Yes, sir. [LB630]

SENATOR GROENE: It seems around here we have competition between school districts about who has the highest assisted on food stamps, who has the highest special needs, as if it's a badge of honor and saying everybody is equal and everybody deserves a shot. Now, that's my lecture for the day. [LB630]

JASON EPTING: Thank you. It's a motivating thing. [LB630]

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SENATOR GROENE: But you...you work with individual children and you work with the public school in your district. [LB630]

JASON EPTING: Yes. [LB630]

SENATOR GROENE: You're part of the public education system in New York. [LB630]

JASON EPTING: Yes. [LB630]

SENATOR GROENE: You're not a private school off by its own. [LB630]

JASON EPTING: Nope. [LB630]

SENATOR GROENE: And you get 75 percent of what a student...cost per student in the district you're working in. [LB630]

JASON EPTING: Yes, sir. [LB630]

SENATOR GROENE: And you get by with that. Or do you have public/private donations? [LB630]

JASON EPTING: We have private donations as well. So as someone decides to give to the cause of our school, they give to the cause of our school and then we operate our network and those things using those funds, but, really, I conduct my budget on that... [LB630]

SENATOR GROENE: What's your graduation rate? [LB630]

JASON EPTING: It's 98, wait...our 98 percent...wait...close to 100 percent, and then 98 percent of our students...98 percent of our students go on to four-year colleges. [LB630]

SENATOR GROENE: Is that from the day they enter? Do they start them in elementary school? [LB630]

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JASON EPTING: So it changes...it changed when I first started, it was a fifth through twelfth charter, but actually we wrote the charter for it to be K-12. So now we finally (inaudible) that up...I've had fifth graders come in... [LB630]

SENATOR GROENE: How many years have you been in existence? [LB630]

JASON EPTING: This has been in existence 12 years, and I've been there 11. [LB630]

SENATOR GROENE: So you're getting some of the first graduates coming through going off to college through the system. [LB630]

JASON EPTING: They're about to graduate. [LB630]

SENATOR GROENE: And been accepted into college. [LB630]

JASON EPTING: Yeah, so I have some kids who are graduating this year, like in May. [LB630]

SENATOR GROENE: All right. So when that child was in your charter, it didn't hurt the public school. [LB630]

JASON EPTING: No. [LB630]

SENATOR GROENE: That student was getting an education no matter which school he was in. [LB630]

JASON EPTING: Yes. [LB630]

SENATOR GROENE: Is that the purpose? [LB630]

JASON EPTING: And most of the testimonies are...they...because our expectations are super high...like, for instance, our pat...like, we don't say that 65 percent is passing; 80 percent is passing. So if you don't make 80 percent, you're not passing. Just that connotation itself for

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someone that's usually like, hey, you can...it's okay...as long as you're behaving, you're doing okay. That's not...that's not what we're here for. We're here for pushing that expectation and making them shoot for the moon and go beyond. [LB630]

SENATOR GROENE: We've got a long night and you gave us a very good practical experience of what is happening. Thank you. [LB630]

JASON EPTING: All right, I will come back and help if you guys need, I promise. [LB630]

SENATOR GROENE: Madison Middle School might still be open if you'd have came back and... [LB630]

JASON EPTING: Danny McMurtry is over there; he's a good kid, too. [LB630]

SENATOR GROENE: He is, he's a good guy; he's trying. Next proponent. [LB630]

CLARICE JACKSON: Clarice Jackson. Is there any other information that you need from me? Omaha, Nebraska. Clarice, C-l-a-r-i-c-e, Jackson, J-a-c-k-s-o-n. Good afternoon. I have come down here the last three years as a proponent for this bill. I sit before you, number one, as a parent. You can give me any other title that you want. I do a lot in my community. I love my city, but I am disappointed in the education that children that look like me are getting. And I think that the Nebraska brand the good life, the good life for who is what I will ask you, for who? Or for whom? We have a teacher in here. My dad was a teacher for 34 years so I don't take that as a downplay. The point I'm making is this. I don't see many people in this room and look like me, but I know in 2013 we had a lot of parents that came down here on a bus and they sat up here and they expressed themselves to you for hours about how their children are lacking in a quality education. My daughter, which I've said this many times, was one of those children. And when we talk about education, we can no longer sit back and allow philanthropists and the fact that it's not touching possibly you all to prohibit you all from seeing what is happening in our communities. It is not okay for children to go to school like my daughter who went to a traditional public school from pre-K to fourth grade unable to read simple two- and three-letter words. I have heard so many disturbing, disheartening things being spoken about African-

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American parents. They don't care. They don't read enough to their kids. Well, they're not advocating enough. Well, I was that parent that did all of that and was told at the end of that that we're doing the very best for her and the very best was she couldn't read. And it was only when I took her out of the traditional public school setting that she gained reading advances to the extent of being a third grade reader in one year in a different setting. So what do you say to a parent who is in a failing school? She's not in one of these flourishing schools that we brag about. They're in one that isn't working and has not worked. It didn't work for their parent. You want parents to read to their kids? They came from the same school that now is failing their kid. They can't read because they were never taught to read. You can't expect something from them that they were never given. So how long do we wait? How long we wait for you all to figure it out and get it together? By the time you figure it out, another generation will be failed and then those people then become our citizens that go out here we have to have high healthcare. We have to have prisons full of people that look like us, particularly males, mass incarceration. Prisons are built off of fourth grade reading scores. So we can sit here as pious as we want to. We can sit here and act like as long as it's not touching me, it's okay. But at the end of the day it is going to touch the city in one way or another. It's going to touch it and healthcare. It's going to touch it and teen pregnancy. It's going to touch it in crime. And guess how it touched mine? It touched my daughter in 2015 and she's no longer on this earth. And I partly blame the lack of educational quality that is in these school systems so these kids don't have any hope and so they don't do anything else but kill each other and they killed mine. And I was that parent that all that I could do. So we have an obligation and a responsibility. When you sit in the chairs, you're not just sitting here because somebody helped, gave you some lobbying money or they gave you some money to support your campaign. You are here for the citizens. [LB630]

SENATOR GROENE: Miss. [LB630]

CLARICE JACKSON: And north Omaha and the parents that are in north Omaha, they matter and I am one of them people. [LB630]

SENATOR GROENE: Thank you. That was very powerful. Any questions from the committee? Senator Walz. [LB630]

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SENATOR WALZ: Thank you for coming today. Really, I appreciate it. Can you tell me a little bit more about your story, like what...you moved your daughter to another school. What...how do you think that changed? What were the changes? What made the difference there? [LB630]

CLARICE JACKSON: What...one of the one things that changed for her, it's hard and I have seen many, many parents who have come to me what their kid is failing. And as a parent and I don't know how many of you all up here are parents or grandparent, but your kids matter to you. And to see them come home at night and they're crying and homework is taking hours and they're giving it their best but they still don't grasp it right and then the parent is doing all they can to help them. But guess what, I can take my kid to the doctor. I'm not a doctor. So I can only do so much. So I take them to where I know that they'll get help. That's what parents are doing when they put these kids in schools so we're going to schools to get them the help that they need. And I have a father was a schoolteacher. I'm not opposed to school teachers. And I don't submit to this argument that is put out here that if you support school choice you hate traditional schools and you hate teachers. That is absolutely asinine to me. It is ridiculous. My daughter went to this private school. It's called the Phoenix Academy. And guess what, my taxpaying dollars because I pay taxes too--I'm a homeowner; I do it all--it stayed in the Omaha Public School system but my daughter didn't stay there and it didn't help her. So is it fair to me that my money stays there and I had to put more money out and pay for her to go to this private school? And in the one year that she was there she went from not being able to read at all to a third grade reader. She turned from hitting herself in the head talking about how stupid she was and how bad she was and how she was incapable of learning to a competent young lady with a surety because she got in the right environment with the right curriculum that boosted her self-esteem and made her feel more confident about who she was. [LB630]

SENATOR WALZ: Do you think it was more of a one on one instruction that...? [LB630]

CLARICE JACKSON: No, she was in a classroom with about 20 students, about the same as the traditional public school. It was just in my daughter's particular case, the Omaha Public Schools which they still don't and Senator Pansing Brooks has introduced a bill that is beginning to tap into that and that's for dyslexia. But they don't offer that in the traditional public school and they still don't. So we have many parents that are still dealing with the same thing I dealt with 24

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years ago with my daughter when she started school. So she got a program that worked for her which is one of the things that you can do. I have many teachers that I know who say, you know what, we want to do different things in the classroom but we got to go to the principal. We got to go through the Board of Education. We got to go through the curriculum department before we can do that. We have black and brown parents who are wanting their kids to learn about their culture that can't do it because, guess what, we don't have a real authentic African-American history curriculum except for in February. It's not right. Racial discrimination in school is an issue. It is a big issue. We don't have enough teachers that look like us in our schools. And then let's talk about...how many of these teachers are here? I don't see many people in here that look like me, that look like me. How many? I don't see them and they're not in the classrooms.  
[LB630]

\_\_\_\_\_: (Inaudible)...high schools (inaudible) at the grade schools. [LB630]

CLARICE JACKSON: Exactly, exactly, exactly. We don't have many of them in the elementary schools. That's disheartening. That's disturbing. And then the teachers they do come in from these rural areas, God bless them, but they have never really had an experience with a black person. So then they come into these classrooms with these preconceived notions about how they're in poverty. Oh, you're in the schools, high poverty. The parents are at home and they don't care and they're not reading to their kids. So they come in with these conscious...unconscious biases that then proceed into the classroom. And so we have Omaha Public Schools who did a study several years ago where you have a school in north Omaha where their expectation from the teachers is 17 percent. And we already know the self-fulfilling prophecy. If you believe in the students and the students know that you believe in them, you're going to get more out of them. But when you don't, guess what you're going to get? And then at the end of that we have the schools-to-prison pipeline. And I saw it begin to happen with my own child because she made it to the fourth grade and her behavior started to escalate because, guess what, she couldn't read. So guess what kids do best, they avoid. Why go to school, why sit in a classroom where I have to read and I can't? So I'm going to do whatever the hell I need to do to get out of there. So that's what she began to do. So guess what, the focus then was a detoured from the reading and it was placed on the fact that she was a behavior problem. So then they want to concentrate on that. And then she get kept getting kicked out of school all the time. And she knew that that worked



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for her so she was fine with that. But I wasn't and I knew it was because she couldn't read. And that's what's happening to a lot of our students. And so at the end of the day, I am here once again and I will come back as much as I have to. I appreciate all of you. I know that you guys take time out of your lives to be senators. You want to do what's best for the state. What you also have to understand is just because it may not be happening over here, it is definitely happening over there. And we need help. We need you all to look beyond what is preached to you, what is put in the messaging on TV, what is spoken to you by people who don't live there. Live that life and then tell me how good it is. And until you can do that, until you can tell me you have been to these schools that are low performing and have been consecutively year after year after year and you see the product, you see the despair, you see the children who, first of all, internalize this on themselves. I see it. I saw it in my own and as a parent that's the worst feeling ever to know that your child is feeling like that and there's nothing you can do to help them when you've gone up to the school, you've begged, you've cried. [LB630]

SENATOR GROENE: Thank you. [LB630]

CLARICE JACKSON: I went to the school. I went to the superintendent. I went to the assistant superintendent. I went to the director of special education. They have me...there's coverage of me all over the Internet. Google it. KETV Channel 7, Leticia Fox, back in 2001. And when you hear the director of special education because I thought... [LB630]

SENATOR GROENE: Miss... [LB630]

CLARICE JACKSON: ...if I only get her in special educated...one moment, I'll...one more moment. [LB630]

SENATOR GROENE: There's others that want to ask you questions. [LB630]

CLARICE JACKSON: I got you. [LB630]

SENATOR GROENE: I'm not trying to shut you off. [LB630]

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CLARICE JACKSON: I got you I apologize. Just let me say this one part. But when I went to the director of special education because I thought that if she got in special education then they were finally address her issues and she was placed in there for a year and then the director told me, we're doing the very best and their very best when she couldn't read. Think about those parents when you're up here talking to people about this issue. Thank you. [LB630]

SENATOR GROENE: Any other questions? [LB630]

SENATOR WALZ: I just want to follow up real quick. I just want you to know, first of all, I'm so sorry for your loss. And we are trying very hard to put legislation in place. Summer foods program, programs for kids with mental health issues, the dyslexia bill, we are trying very hard to put legislation in place and try to make a difference. And the other thing that we are obviously up against is funding. But I just want you to know that we are trying to make an effort to do a better job. [LB630]

CLARICE JACKSON: I appreciate that. [LB630]

SENATOR GROENE: Any other questions? But at the end of the day it's because you're poor and you don't speak English. That's the excuse. [LB630]

CLARICE JACKSON: (Laugh) Which is horrible. [LB630]

SENATOR GROENE: That's what I hear. [LB630]

CLARICE JACKSON: Yeah, that's just terrible. [LB630]

SENATOR GROENE: We don't set the expectations. The expectation should be on public education is what my opinion is. And I thank you for your testimony. And I don't care if your child is poor or speaks a different language, you got one shot at it and you're equal. And the expectation should be the same. [LB630]

CLARICE JACKSON: Yes. [LB630]

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SENATOR GROENE: Thank you, Senator. Senator Pansing Brooks. [LB630]

SENATOR PANSING BROOKS: Thank you. Well, I just want to be clear that it's not that...we're not saying it's because people are poor. We're trying to find the best solution. I don't want generations of kids...I'm on the Judiciary Committee. I understand that prison to...the school-to-prison pipeline if kids can't read by fourth grade. And the problem is that not every charter school is perfect either. [LB630]

CLARICE JACKSON: Absolutely not. [LB630]

SENATOR PANSING BROOKS: I mean there...I've got an article someone gave me about Harlem Village Academies, the miracle school debunked. There are lots of different problems that each place has. And if we had enough teachers and enough good people...I mean Department of Education needs to focus on north Omaha. There is no...and the Native schools. And we have got to raise the alert and do something about that. And I'm with you. I really care about it. I'm sorry about what your family has experienced and your friends and I appreciate your coming every year. I'm sorry it's...but the struggle is worth it. [LB630]

CLARICE JACKSON: Thank you, Senator Brooks. I would just like to say this to your statement about, you know, there are some bad charter schools out there. And I think for those of us that have been working on this and very passionate about it, we absolutely don't want a charter school in here that fails. I think we have 25 years of data and research that lets us know what works and what doesn't. And I think that that same thing works in Omaha Public Schools. I think that when they started doing magnet schools, they started out with one and then based on that then they created more. And that's the same thing. We don't want to test. I think there's enough testing with our kids. You know, when I say testing, testing a model to see if it works. Our kids don't have any more time to be tested on. They're not test-tube dummies. But we need to know...we need to find the things that work. There are charters that we know work. We know how they work and we need to implement them and we need to give our kids more options is all I'm saying. [LB630]

SENATOR GROENE: Thank you. [LB630]

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CLARICE JACKSON: Thank you. [LB630]

SENATOR GROENE: Thank you. We need to really move on. Very good testimony. You got me all fired up even. Next proponent. [LB630]

SENATOR PANSING BROOKS: Me too, Senator. [LB630]

KEVIN CHAVOUS: Thank you very much. Good afternoon. My name is Kevin P. Chavous; that's K-e-v-i-n C-h-a-v-o-u-s, middle initial P. I will be brief and then take some questions. I know that you've got a lot of people waiting. I am a former member of the D.C. Council. I'll give you my quick bio which hopefully will demonstrate some relevancy to my testimony. A former member the D.C. Council in the late nineties, I was chair of the education committee when we began our charter school experience. And since then I was on then Senator Obama's Education Policy Committee the first time he ran. And I have been several groups, education groups around the country, visited hundreds of schools in the nation and around the world. I'm a strong advocate for school choice. My core belief is that less is not more; more is more. And when you're talking about the demographic that we've been discussing and that's been alluded to in Omaha and many of our cities, innovation and creativity cries out for change. There's a need to have more. In my experience in D.C., now we have 45 percent of our public school kids in charter schools. And let me tease out a vision for you before we...before I go to questions. I think that we're so used to our political boxes and there's an either-or, pick-sides, zero-sum game where the Republican agenda, the Democratic agenda, you know, you're for public schools or you're against public schools. And when it comes to the needs of individual children I don't think like that. That's what led me to support charter schools as a Democrat in the late nineties and I have the scars to show for it. But the upshot of it is when you talk about exciting possibilities, the vision is when you're able to build consensus and create and foster more parent empowerment and a more grassroots embrace of a culture of learning, the magic happens. In D.C. public schools they have increased enrollment for the first time ever in three straight years. They also are doing much better at their test scores. And the outgoing chancellor of D.C. Public Schools who's widely heralded around the country, Kaya Henderson, she would tell you that the reason why that happened was because the robust offerings of charter schools. And in terms of exciting possibilities, what they're doing now, they're all working more together. They're trying to figure out should this neighborhood

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have a charter program? Should it be a program from inside the system? They bringing together the high-performing principals and teachers from the charter schools and the high-performing principals and teachers from D.C. Public Schools. And guess what? They're sitting in a room, they're not picking sides, and they're saying how can we collaborate, how can we learn from each other? So I think as you go forward and look at the tools in the tool kit, this is a tool and it's a legitimate tool that as Jason and others said that we've seen in other cities where you can benefit from it. And the most challenged populations can benefit from it more. And one final thing, we can talk about the schools that are doing well. We're going to talk about Nebraska's outputs. Everyone knows half the black boys in Nebraska are dropping out and in Omaha are dropping out. This is a failing schools bill. So the focus has to be on the schools that aren't working and whether or not this remedy would help make a difference. In my experience around the country it would and it doesn't have to be either/or. It's an option. It's a tool in the tool kit to help the most challenged populations benefit in ways they otherwise wouldn't. [LB630]

SENATOR GROENE: Thank you. Any questions for...Senator Linehan. [LB630]

SENATOR LINEHAN: Thank you, Chairman Groene, and thank you very much for being here. Could you just elaborate a little bit, short amount of time, on how much charter schools and choice has changed the city of D.C. [LB630]

KEVIN CHAVOUS: Well, it's phenomenal. One of the things...people have asked, well, what's the difference? One of the things that's happened in D.C. frankly is because...and this is a direct result of the charter movement is a change in the teachers' contract. You cannot hire and fire teacher. And studies have shown that in areas like north Omaha and some of the low-performing urban school districts you have the worst teachers and, you know...or the best teachers don't want to go there, where in D.C. they were able to change the contract to a more performance pay incentive model to incentivize teachers to want to go in those areas. And they got some of that from the charter movement there. I think that also they've also demonstrated by having these unique offerings. We have the only public residential charter school in the country in D.C., the SEED School. We have a hospitality high school. We have a voc-ed school. We have all these different kind of schools and it's helped incent the similar offerings from D.C. Public Schools so

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they realize that they could think more out of the box by seeing the success by some of their colleagues and peers in the charter schools. [LB630]

SENATOR LINEHAN: It was hard politically though, wasn't it? [LB630]

KEVIN CHAVOUS: Well, yeah, but at the end of the day...look, I adopted a standard when I embraced charters as a Democrat in the late nineties which I think every elected official has a fiduciary obligation to embrace, and that is I don't think any school should open I wouldn't send my kid to. [LB630]

SENATOR LINEHAN: One last question, do you know why...I think this is kind of happened over the last year not especially since President Obama was such a strong supporter of charter schools, but why is the NAACP, why have some of them...or I don't know, what is the situation there? They seem to... [LB630]

KEVIN CHAVOUS: The issued a...voted for a moratorium against charter schools and I think that's part of the politics and the either/or, you know, pick-a-side thing. It was political. And I was...Roland Martin, a well-known personally and I, we hosted a town hall meeting in Atlanta at Ebenezer Church, Dr. King's old church, a couple months ago. There were a thousand working class, low-income African-American families there. Head of the NAACP was there and he read about the moratorium and he said the reason for it, he said we support charter schools but we really believe there's more accountability. Well, from my vantage point I think it's shameful and frankly unfair if you are a working class person of color in a school district that is failing and your only option is a bad option yet there is a great, innovative charter school that comes in, I think it's shameful for those of us who are able to sit on the sidelines and say we're going to be the education decider for those parents. I don't think that...I don't think any group, I don't think the NAACP or any group should be an education decider or be the gatekeeper for a parent's choices, especially if the choices are working. And in a lot of these cities they do work. Yes, there are charter schools that don't work. I proudly supported closing many bad charter schools in D.C. But we know it's a quality option that's made a huge difference in the lives of people who otherwise would be trapped in failing schools. And I think that's unacceptable and I bristle at that. [LB630]

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SENATOR LINEHAN: Thank you. [LB630]

SENATOR GROENE: Thank you. Senator Kolowski. [LB630]

SENATOR KOLOWSKI: Thank you, Mr. Chairman. Sir, thank you for your testimony today. My main concern is one that's coming up with the Omaha Public Schools. They're going to be hiring a new superintendent. They're in a search right now. It's down to probably two people the way it looks. And how important is that leadership position, in your mind, to make the institutional changes that you're desiring that we all want to see happen to make a better world for all learners? [LB630]

KEVIN CHAVOUS: I think that's a great question and I think it's important. The leadership matters. But you also have a mindset where the status quo is quick to say that we can't do it because these other factors and that mindset has permeated in far too many of our urban school districts. And my view is, and I think that Jason alluded to this, if there are schools and school operators that have figured out how to educate the poorest of the poor and get them to move the needle upward then that means someone else can do it. And, yes, if this new superintendent gets it, fine. But I tell you what, I've been on the panels to hire many a superintendent in D.C. and thing that...I think Jason said it best. I think we all need to have a sense of urgency that we can't wait for the next three- to five-year plan to turn around any urban school district because that means you're losing a kid who enters junior high or enters first grade or enters high school. I think that this sense of urgency has to be we need to get it done now and I think that having these tools in the tool kit will help us with that. [LB630]

SENATOR KOLOWSKI: Thank you. [LB630]

SENATOR GROENE: Senator Morfeld. [LB630]

SENATOR MORFELD: Thank you for coming in today, sir, and sorry I had to step out for a work call so I may have missed...so which schools in Nebraska have you been to? [LB630]

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KEVIN CHAVOUS: Oh, I haven't been to any schools in Nebraska. I just got here yesterday.  
[LB630]

SENATOR MORFELD: Okay. Thank you. [LB630]

KEVIN CHAVOUS: Is that the point? Oh, all right. Thank you. You're welcome. (Laugh)  
[LB630]

SENATOR GROENE: I've got a question. How long have you done it in Washington, D.C.?  
[LB630]

KEVIN CHAVOUS: I was on the city council until 2005. I've been there 30 years since I went to law school at Howard. Let me add the years since it's testimony. It's been a long time. [LB630]

SENATOR GROENE: So since the nineties. [LB630]

KEVIN CHAVOUS: Since the nineties, yes. [LB630]

SENATOR GROENE: And 45 percent enrollment is now in charter schools? [LB630]

KEVIN CHAVOUS: Yes. [LB630]

SENATOR GROENE: Are they public charter schools? [LB630]

KEVIN CHAVOUS: Public, all public charter schools. [LB630]

SENATOR GROENE: But they have different boards that run them... [LB630]

KEVIN CHAVOUS: Different independent boards. [LB630]

SENATOR GROENE: ...and each charter school is independent. [LB630]



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KEVIN CHAVOUS: Each charter school is independent. [LB630]

SENATOR GROENE: And have you ever closed a public school in D.C.? [LB630]

KEVIN CHAVOUS: Traditional public school? [LB630]

SENATOR GROENE: Yeah. [LB630]

KEVIN CHAVOUS: Maybe a few years ago, I remember 15 years ago we may have closed a couple for... [LB630]

SENATOR GROENE: The point I'm making is... [LB630]

KEVIN CHAVOUS: But not for performance. [LB630]

SENATOR GROENE: ...there is pressure on charter schools that there isn't on a public school that you could get closed. You will fail, you will be closed. [LB630]

KEVIN CHAVOUS: And we've closed many in D.C. [LB630]

SENATOR GROENE: And that encourages excellence. [LB630]

KEVIN CHAVOUS: No question about it. [LB630]

SENATOR GROENE: (Inaudible)...that's called the free market system in the United States of America. It made us great, one of those principles. Thank you, sir. [LB630]

KEVIN CHAVOUS: Thank you. Thank you all very much. [LB630]

KATIE LINEHAN: Chairman Groene and members of the Education Committee, my name is Katie Linehan, K-a-t-i-e L-i-n-e-h-a-n, and I didn't prepare testimony because I didn't think I was going to testify, but I couldn't help myself. I just want to just so very shortly say I taught in a

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charter school. So speaking from that educator voice, I'm happy to answer questions about why I think that's needed in Nebraska. I'm from Nebraska I went to public schools in Nebraska. I've worked with kids in the Nebraska public schools. I worked at Girls, Inc., in north Omaha with kids who go to OPS schools. And I taught at Success Academy in New York which has been mentioned. It's one of the best charter school networks in the country. It grew from one school in Harlem in 2006 to 40 schools now throughout New York. It serves a higher percentage of low-income and minority kids and than most schools in Nebraska. I would need to check the numbers but I think it's comparable or more than OPS. And the kids at Success Academy Charter schools perform in the top 1-3 percent of all kids in the entire state of New York. So I'm guessing they might outperform kids in the public schools I went to in Westside. And they're low-income kids of color, at my school, all of the children were which again was in Harlem. So...and I know everyone here is going to be here for a long time so I just...one personal story I'm going to say about that, one night I left teaching and I walked across 145th Street Bridge into the Bronx to get some stuff for my apartment and a little girl and her mom were in front of me in the line and every child at Success wears the same uniform. Anyone in New York would know that's a Success Academy student right there. So I taught middle school. She was clearly much younger, maybe kindergarten, first grade. So she was very excited she was going to be buying a book. And I asked her about it and, you know, any first grader, I think, kindergartener is excited at that stage. And I told her mom then I work at Success Academy Charter School. And her mother told me I am so glad my daughter got in because she got in and she was reading by November of kindergarten. And my son who's in fourth grade now, third grade then, he wasn't reading. So my kindergarten was teaching my third grader how to read. And I guess I'll never forget that.

[LB630]

SENATOR GROENE: Any questions? Senator Walz. [LB630]

SENATOR WALZ: I have another question. Thank you, Chairman Groene. So I just am going to keep asking this until I get an answer that I am happy with I guess. What is the difference? What specifically are you doing that's different? [LB630]

KATIE LINEHAN: What do...? So I should... [LB630]

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SENATOR WALZ: Specifically. [LB630]

KATIE LINEHAN: I should go back and say I don't work at Success Academy anymore. I started a nonprofit in Nebraska, Educate Nebraska, which advocates for this. So I am registered to represent that. But I am here as a volunteer. But anyway that's not the question you asked. So what a charter school does differently or what Success Academy did differently? [LB630]

SENATOR WALZ: I guess what did you teach...how did you teach differently? [LB630]

KATIE LINEHAN: So what our...what the school I was in did differently. So we...I taught in that school. So I didn't teach in other schools in New York so I can't speak to them; however, we did share space. So we were on the fifth floor of a five-story building and there are four floors where the traditional district school. And we started the school day an hour earlier. We went later. We had high expectations of the children, for example, to the point of this first grader at that point she was reading by November, that's expected of all kids who come into Success Academy, that they're reading within the first semester of being there. At the middle school level, I mean I was just blown away and I know I would be in a lot of public schools and private schools in Nebraska as well, blown away by what the fifth, sixth, and seventh graders I worked with are capable of. And we certainly pushed them to achieve that and more than they even thought they were capable of, I would say, was our culture that was really important there. Differences, too, include so high expectation, longer school day, longer school year, also our engagement with the parents was extremely important and the founder and CEO of Success Academy did not waver in that. If a parent called you...well first, parents had your cell phone number so they could call you anytime and you were expected to return that call within 24 hours. And that sort of engagement was and remains crucial to Success Schools, any school--public, private, traditional, charter. [LB630]

SENATOR WALZ: All right. Thanks. [LB630]

SENATOR GROENE: Any other questions? Senator Erdman. [LB630]

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SENATOR ERDMAN: Thank you, Senator Groene. Thank you, Ms. Linehan, for coming. So what...did you teach here in Nebraska before you left? [LB630]

KATIE LINEHAN: I did not teach in Nebraska. I did look into it. So Senator Morfeld and I were actually in law school together. And I looked into it after law school. But I would have had to go back to school for at least a year to teach. And I already had student loans and it just didn't seem like an economical decision, so. But I did...our law school, University of Nebraska at the time had a joint program in education administration and law and I participated in that when I was in law school. And so I went to my advisor...professor who became my advisor and I enrolled at the University of Nebraska Department of Education Administration. So between law school and going to Harlem and doing that, I took classes and I...I have a lot of friends in teaching, both in and out in Nebraska. I have family in teaching. I taught. I know how hard it is. What I did or tried to do in Harlem is harder than fighting for ed reform in Nebraska. I will be the first to say that. But at the Department of Education Administration at UNL I was disappointed at some of my classes where the professors instilled low expectations of kids in poverty and also opposition to things like accountability. I learned what No Child Left Behind was while I was in that department and all I could have told you is it was a terrible, awful thing that was happening to states and if schools weren't performing well in north Omaha, it was because parents didn't care as much or they were not educated themselves or poverty or kids were hungry. And I spent some time in north Omaha. I'm close to a family in north Omaha from the time I was a child until today. And it didn't sit well with me and I knew some schools were doing good things or I heard in D.C. and New Orleans. And I had an opportunity at Success Academy and so I took it. [LB630]

SENATOR ERDMAN: Okay. Thank you. [LB630]

SENATOR GROENE: Senator Kolowski. [LB630]

SENATOR KOLOWSKI: Thank you, Mr. Chairman. Have you had any exposure with the Breaking Ranks material from NASSP? [LB630]

KATIE LINEHAN: The Breaking Ranks...? [LB630]

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SENATOR KOLOWSKI: Breaking Ranks material. [LB630]

KATIE LINEHAN: Is that, Senator, what you referenced about principal teaching? [LB630]

SENATOR KOLOWSKI: Um-hum. [LB630]

KATIE LINEHAN: I have not and I... [LB630]

SENATOR KOLOWSKI: It's coming out of the secondary school principals' organization but it's used in K-12 schools across the country. [LB630]

KATIE LINEHAN: Okay. [LB630]

SENATOR KOLOWSKI: Have you ever heard of it? [LB630]

KATIE LINEHAN: No, I have not, but I was at the teaching level not the administration level when in New York. [LB630]

SENATOR GROENE: Okay, any other... [LB630]

SENATOR KOLOWSKI: That's neither...that doesn't impact it. [LB630]

KATIE LINEHAN: Okay. [LB630]

SENATOR KOLOWSKI: Thank you. [LB630]

SENATOR GROENE: Any other questions? So when you were in this school, were you thinking you were showing them public schools what...that they were lousy and that you were in competition with them, or did you really care? You just wanted to teach kids? [LB630]

KATIE LINEHAN: No, and I spent a little time working in the Legislature and grew up around politics so I knew more maybe...well, not maybe. The teachers in the school I taught don't...and I

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taught not one that gets a lot of attention...aren't there to prove a political point. I wasn't there to prove a political point. They are there to educate kids and work on behalf of kids so they can have every opportunity available. [LB630]

SENATOR GROENE: Did...you said you were part of the public school system in New York it is and you had one floor of a five story public school. [LB630]

KATIE LINEHAN: Correct. [LB630]

SENATOR GROENE: Did you mingle with...did the kids mingle with the other students? Did the teachers mingle with the other...share ideas with the other teachers? [LB630]

KATIE LINEHAN: We did not have great interaction with the teachers in the school I was in with the lower school. Ours was fifth, six, seventh grade in the lower school, and I say lower because it was literally below, first through fourth floors was high school. So there's a big difference there because we're fifth, six, seventh and they were ninth through twelfth, that alone. But another story quickly on that, one of the seventh graders one day was talking about her experience too. And she spoke to the fact of her mother's difficulty with accepting that she got into the school Success Academy but her older brother did not. And Miriama (phonetic) was the name of the girl who was telling the story and she said my mom knew that he was less likely to graduate from high school, you know, and then just went on and listed what some who have testified before me have said about what if you don't get a great education because he didn't have the same opportunity. [LB630]

SENATOR GROENE: So expectations were set. [LB630]

KATIE LINEHAN: At our school, expectations... [LB630]

SENATOR GROENE: No, for the mother and the child, the boy. [LB630]

KATIE LINEHAN: Well,... [LB630]

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SENATOR GROENE: I'm just making a statement I shouldn't make. So thank you. [LB630]

KATIE LINEHAN: Well, the parent, both parents in the examples I've given associated going to the specific school I was in or that network as a different future for their respective children, absolutely, yes. [LB630]

SENATOR GROENE: Expectations were higher. Thank you. Senator Walz. [LB630]

SENATOR WALZ: Thank you, Chairman Groene. I just have one more question. So one of the differences that you are talking about may be that you set higher expectations. What happens to the child who doesn't meet those expectations? Have you ever had a child that you let go from the school? What happens when they don't meet those expectations? [LB630]

KATIE LINEHAN: Since charter schools are public schools, they're governed by the same rules and terms of whether children...I mean we didn't ask children or tell children they couldn't come any different. Again, I guess I was at the teaching level. But they would...we are subject to the same rules as the school below us, for example, or district schools on that. For example, I mean in the schools I've worked in, in Omaha that I've been around, worked around with the kids like when I was at Girls, Inc., and then other experiences that I had, kids get asked to leave schools, traditional schools all the time because of behavior issues, like asked to go to an alternative school, for example, or told you can't come back to this school but the other...I mean my personal story this is going back. I worked with a family of four boys and they were asked often to leave--I won't name their schools--but OPS schools, but they could go to a different OPS school. So I'm mixing policy and what happened in New York together, but I guess I can just speak to we didn't have special policies. [LB630]

SENATOR WALZ: So sometimes if they didn't meet the expectations they were asked to leave. [LB630]

KATIE LINEHAN: Only if it was a legal reason could they be asked to leave, like behavior. If they...I don't know. I don't know because I wasn't in on those decisions. [LB630]

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SENATOR WALZ: Okay, all right. Thank you. [LB630]

KATIE LINEHAN: I don't know of any kids that were asked to leave from the school I was working at. [LB630]

SENATOR WALZ: All right. That's fine. Okay, thank you. [LB630]

SENATOR PANSING BROOKS: I have a question. Thank you for coming, Ms. Linehan. [LB630]

SENATOR GROENE: Senator Pansing Brooks for the record. I've got to say your name. [LB630]

SENATOR PANSING BROOKS: Thank you for coming, Ms. Linehan. Can you just explain to me, I don't get why they're public but they're run by nonprofits. I don't get that. [LB630]

KATIE LINEHAN: So it depends on the law and every law is different. And someone behind me I believe will be testifying who is an expert on the laws around the country. And I'm familiar with the bill that's introduced. But charter schools are publicly funded and they're accountable to a public entity. So in New York, there's multiple authorizers. I know the State University or college system is one and the Mayor's Office. And now they've changed that recently but in this bill it would create a state authorizing and accountability commission and the schools would be governed by that, the governing entity. So that makes them public. [LB630]

SENATOR PANSING BROOKS: Thank you. [LB630]

SENATOR GROENE: Thank you. I'm going to...is that...no more questions? I'm going to pull rank here and let a couple opposition testify. Are you young children here to testify in opposition? I'm going to let you two young ladies testify. And then we're going to go back to the...and we might go for about a half hour on opponents. [LB630]

SENATOR MORFELD: Are you talking about support, Senator? [LB630]



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SENATOR GROENE: No, these young...I'm switching to opposition. Are you young ladies in opposition? [LB630]

SAMANTHA BOURNE: Yeah. [LB630]

SENATOR MORFELD: I'm even mixed up now at 5:00. [LB630]

SENATOR GROENE: All right, for a half hour. We're going to let these young ladies. They've been perfect little saints and a good representative of public schools. But I'm going to let them testify. Are you going to do it together? [LB630]

HADLEY FORSEN: Yeah. [LB630]

SAMANTHA BOURNE: Yeah. [LB630]

SENATOR GROENE: Oh. All right. Well, you've got to spell your names and say your names. All right, you knew that. I shouldn't be... [LB630]

SAMANTHA BOURNE: (Exhibit 1) Hello. Our names are Samantha Bourne, S-a-m-a-n-t-h-a B-o-u-r-n-e. [LB630]

HADLEY FORSEN: And Hadley Forsen, H-a-d-l-e-y F-o-r-s-e-n. We are fifth graders that go to Buffett Magnet Middle School which is part of Omaha Public Schools. We go to a magnet school which focuses on communication. This school is great and I learn great details of the subject I'm currently learning. Today, we are going to be testifying against the charter school bill. And also, Buffett is very accepting about any student's color money, disabilities, background, etcetera. [LB630]

SAMANTHA BOURNE: For charters, it is difficult to generalize the performance of these schools. Several key factors, including instructional style, location, age of the charter, and learning of students seem key to determining their efficacy. According to a study by the

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Colorado Department of Education, charter school educators possessed a median of six years' experience as opposed to traditional public teachers with ten. [LB630]

HADLEY FORSEN: As of 2016, Nebraska had a graduation rate of 90 percent. This is one of the highest in the country. Another thing to think about is that charters spend significantly less than traditional public schools on the instruction of their students, while their administrative costs are nearly twice as high. [LB630]

SAMANTHA BOURNE: We don't think we should pay that much if we're paying more on administration and less money on our teachers, books, materials, etcetera. We also have great public schools, so I don't think we need charter schools. Any questions? (Laughter) [LB630]

SENATOR GROENE: Any questions from the committee? You're trying to get my job, aren't you? (Laughter) [LB630]

SENATOR EBKE: I have a question. [LB630]

SENATOR GROENE: Senator Ebke. [LB630]

SENATOR EBKE: Thank you. Do you know Mrs. Craven? [LB630]

HADLEY FORSEN: Yes. [LB630]

SAMANTHA BOURNE: Yes. [LB630]

HADLEY FORSEN: She's my homeroom teacher actually. [LB630]

SENATOR EBKE: Is she awesome? [LB630]

HADLEY FORSEN: Yes. [LB630]

SENATOR EBKE: Great. That's my daughter. (Laughter) [LB630]

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SENATOR GROENE: Is there any other questions? Is there any other questions? [LB630]

SAMANTHA BOURNE: Thank you. [LB630]

SENATOR GROENE: Thank you, young ladies. Is...who are you with? Are you going to testify? All right. I was going to let you testify so if you had to leave. Any other youths that want to testify, for opponents? Any young people who want to testify as opponents? All right. I figure you guys got homework. [LB630]

URIEL REYES VAZQUEZ: (Exhibit 2) Good day, Senators. My name is Uriel Reyes Vazquez, so that's U-r-i-e-l R-e-y-e-s V-a-z-q-u-e-z. Okay. I am a senior at Omaha South. My entire upbringing was within the public school system. I'm an opponent of LB630 because I believe that charter schools are distracting from a much larger issue facing our public schools. Charter schools feel like a black-and-white attempt to fix a problem that is uniformly gray. Public school systems tend to accept many neighborhood kids. I go to South High because it's the closest school to my home. Coming from a family of low-income immigrants, my family never knew very much about the education system. This means that if they had the option to put me in a charter school they never would have known, and I would have no chance of ever being put in one unless I took matters into my own hands. But if I care enough about my education to do so then there shouldn't be any problems with me getting my education in a public school, right? Well, there are many students who attend South High facing a very similar situation. What's more is that anyone can choose to apply to a charter school, but the school will ultimately decide who gets in, creating a selectiveness that could leave public schools with underperforming students. Now, based on past testimony, it seems there's a lottery system in place, so this would be a very worst-case scenario but could be a possibility to consider nonetheless. If we were to take all...if I were to take all this on, however, and attend a charter school farther away from home, this could further affect the sense of community within my public school. My family already has a fairly vague sense of community as is, not being able to speak the language that, you know, a lot of my teachers do, and if I were to attend a school farther off it would be even worse. I'm sorry. It would be even worse if I were to attend a school farther off when there are neighborhood kids--my friends I grew up with--still attending South High. Public schools would undoubtedly take a huge hit from charter school legislation as well. Their success would be

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limited to levels never before seen if charter schools were to be implemented. Apart from taking funds from the state that were going to public schools, and to the extent of my knowledge these funds are acquired from property taxes, taxes that may also see a cut, making this loss even more severe. If we want to improve our public schools, I believe that we should be looking to use these funds to improve them, not slicing them thinner and creating new institutions entirely, a solution that fixes the problem for a few and not all, because charter schools do have a maximum capacity. Senators, I urge you to oppose LB630. This bill is aiming to fix a complex solution in a simple...a complex problem, I'm sorry, in a simple manner and will inadvertently be creating a more complex problem as a result. Charter schools will fix the problems for a select and lucky few while others are left with the same system without reform and possibly without hope for change. I believe the issue lies in fixing our public schools and not creating completely new institutions that will distract from the problem at hand. Thank you for your time. [LB630]

SENATOR GROENE: Any questions? Senator Linehan. [LB630]

SENATOR LINEHAN: Thank you, Chairman Groene. Thank you very much for being here. You're very brave. Are you...what grade are you in? [LB630]

URIEL REYES VAZQUEZ: I am a senior. [LB630]

SENATOR LINEHAN: Very good. I'll bet your future is bright. What would you change at Omaha South if you could change it? How about if you were the principal? What would you do? [LB630]

URIEL REYES VAZQUEZ: I guess...(inaudible) tough one, but I think... [LB630]

SENATOR LINEHAN: We won't let you get in trouble with your principal. (Laughter) [LB630]

URIEL REYES VAZQUEZ: Certainly dealing with 2,500 kids in our school, it's a lot. We have a ton of teachers and representation for each race is a little limited. We have like the majority are minorities at Omaha South but our teaching staff doesn't adequately reflect that. But that's another issue. What I think we should have is I guess telling the teachers to keep in mind that the

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causes, when I say that these charter schools are distracting from the problem at hand, it's because in my personal experience, just from what I've seen from my peers, my Intro to Education class...my education teacher, Jack Bangert, is here. He'll be testifying too. What he's taught us is that a lot of these issues that we find with these kids seem to be tied a lot more towards the trauma that they have in their lives. I'm sure poverty is a factor, but it seems that a lot of the times poverty seems to be the only factor that these people are looking at, when in reality there's a lot more that goes into it: abuse in the home, neglect. And there's a lot of factors that people aren't considering when they think about how to teach these kids and are just dismissing them as they can't learn. I think...but if I were a principal I would just try to, you know, I would try to make it imperative that my teachers are aware that there's a lot more that goes into it than just, oh, they're poor; oh, they can't learn. I would try to just ask the question not what's wrong with them but to rather ask them what's happening to them. [LB630]

SENATOR LINEHAN: Uh-huh. [LB630]

URIEL REYES VAZQUEZ: So I guess I would just try to...and this does ask a lot from the teacher, but I would try to emphasize fixing teacher-student relationships and to try and perhaps just increase awareness that there is a lot more that goes into these problems. [LB630]

SENATOR GROENE: Thank you. [LB630]

SENATOR LINEHAN: Thanks. [LB630]

SENATOR GROENE: Any other questions? What are your plans? Teaching? [LB630]

URIEL REYES VAZQUEZ: My plans? [LB630]

SENATOR GROENE: Yeah. [LB630]

URIEL REYES VAZQUEZ: Yeah, I was thinking...I'm looking at UNK or UNO or maybe Loyola University in Chicago, but that's when they get back to me on this one scholarship I'm still waiting on, but. [LB630]

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SENATOR GROENE: I'd recommend Kearney. It's closer to out west (inaudible). (Laughter)  
We're looking for citizens out there. Thank you. [LB630]

URIEL REYES VAZQUEZ: Thank you. [LB630]

SENATOR GROENE: Are you...do you need to leave with him? [LB630]

JACK BANGERT: I'm not with him so... [LB630]

SENATOR GROENE: All right. [LB630]

JACK BANGERT: ...(inaudible) car, so. [LB630]

SENATOR GROENE: Next opponent. Are you a student? Could I see how many people want to testify yet? So we...try to keep your...I hope...rhetoric, try to keep your answers to just precise answers and we will try to keep our questions precise so that we can get the most knowledge we can without sermons, and I will try my best to set an example. So go ahead, young lady. [LB630]

LAUREN OSBORNE: (Exhibit 3) Okay. My name is Lauren Osborne, L-a-u-r-e-n O-s-b-o-r-n-e. I am here with O'Neill Public Schools, about three and a half hours north. The paper you're all getting is my formal testimony. I was originally going to read it to you. But you could skim it as I talk because I decided while I was in my seat that I needed to use my two minutes to have a conversation with you all. That's exactly what I'm going to do. In my public school I've been in just about every activity under the sun. I serve as a cheer captain, yearbook editor, student council representative, and the list continues but I'm not going to take up your time with everything I do. It's a lot. And you know what else? I suffer from mental illness. I have for years and I only got help in October. I told one of my teachers at my public school, who in turn told a counselor and my principal, and I'm very much convinced that I am here today because of my public school, not just here sitting in Lincoln, Nebraska, but here on planet Earth in general. If we're taking money from public schools to give to charter schools, what does that mean for students like me? Will students like me suffer? Will they still have support? Of course, teachers will support their students because that's exactly what they do. But will students have the

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resources that I do? I don't know, and that terrifies me. I have support at home but not every kid does. Those without the support may not have the means to opt into charter schools if they don't have their parents' consent. So what about the students that are left in public schools? What's going to be left for them? Now in no way am I suggesting that public schools are perfect either. They aren't. But as a fan of constant improvement, I believe that's just fine. Operating under the assumption that anything is the best stops growth, which in turn fosters mediocrity. I believe we need to try to make education better; however, I don't believe that charter schools are the way to do so. I believe that we need to support students but I don't believe that taking funding out of the public schools is the best way to do so. Charter schools endanger the public school system that I have loved since I was young. These public schools are not failures or American carnage. They are institutions that teach children like me to dream, believe, and achieve. I will leave you with a quote from Tom Brokaw. "There is a place in America to take a stand. It is public education. It is the underpinning of our cultural and political system. It is the great common ground. Public education, after all, is the engine that moves us as a society toward a common destiny. It is in public education that the American dream begins to take shape." Thank you. [LB630]

SENATOR GROENE: Thank you. Any questions? [LB630]

SENATOR PANSING BROOKS: (Inaudible.) Thank you for coming. That was beautiful. [LB630]

SENATOR GROENE: Thank you. [LB630]

LAUREN OSBORNE: Thank you. [LB630]

SENATOR GROENE: Next. We'll have opponents till 6:00. So you proponents who thought you're going to get up next, if you can wait that long we'll finish off with the proponents and then go back to opponents. Go ahead. [LB630]

SARAH THOMAS: Good evening. [LB630]

SENATOR MORFELD: Wait, we're going to do opponents until 6:00 and then... [LB630]

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SENATOR GROENE: We're going to do opponents, opponents till 6:00, and then we're going to go back and finish the proponents, and then we'll go back to opponents. So, no, you're up. [LB630]

SARAH THOMAS: Oh, okay. [LB630]

SENATOR GROENE: You're an opponent, right? [LB630]

SARAH THOMAS: All right. [LB630]

SENATOR GROENE: Opponents. I have a little bit of a problem with opponents and proponents (laughter) in my dialect. [LB630]

SARAH THOMAS: Well, good evening, Senators. I am Sarah Thomas, S-a-r-a-h T-h-o-m-a-s. I anticipate many will share statistics depicting an unstable, if not damning, portrait of the grand charter school experiment, and "experiment" is an operative word. I decided to lean further into anecdotal evidence this time. After all, if we can't put a human face on education, our policymaking capacities are blinded. I grew up in a family with deep public education roots. My father, Carroll Sawin, was a Great Depression baby who left a desolate farming tradition for college on the GI Bill, earned his doctorate, served as principal at University High in Lincoln, then assistant superintendent of human resources at LPS for 35 years. He was the first in his family to graduate from college. I taught middle and high school English in public schools for nearly 20 years before transitioning into my current role as professor of practice in UNL's English education program. I'm the first woman in my family to earn a doctorate. My daughter continued this tradition of public education service but in a new way by joining AmeriCorps the year after she graduated from high school. Her life-changing Girls' Leadership Worldwide, or GLW, experience through the Eleanor Roosevelt Leadership Institute in New York City prior to high school graduation, where many of her role models served in the Peace or AmeriCorps, sent a resounding message--emerge in community projects for the greater good. She was assigned to Milwaukee City Year Program offering supportive infrastructure in high-needs public schools, further disabled by charter school influence. So when the lobbyist from Wisconsin recently visited and extolled the virtues of charters, offered an infomercial not unlike the testimonies



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we've recently heard, I was nearly winded by the incomplete representation. I have another portrait to share. So many phone conversations with Samantha, my daughter, over this long year of working 5:00 a.m. to 7:00 p.m. daily, reported, one, insufficient resources to make copies, provide pencils, paper; insufficient resources to experience the arts. There was no music, theater, visual arts classes; the arts were stripped. Insufficient resources to address special education needs of a disproportionately high percentage of students, as many were deemed not the right fit for charters. I understand the proposal is a lottery so I acknowledge that. Insufficient resources to keep the newest hire so her gifted mentor-teacher who had a master's degree in urban education, who looked like the students she was serving, who got it, who lived in that community was pink-slipped. Still, another teacher down the hall the district couldn't afford was let go midyear and replaced by a noncredentialed substitute who had no business teaching kids. This is what happens to our drained public schools. So often Samantha's disturbing stories reminded me of a poignant professional conference I attended in New Orleans in which I toured the Ninth Ward at night, the region most devastated by Hurricane Katrina, the Ninth Ward, and learned from teachers. I listened to panels. We spent days talking with teachers, students, and politicians about the mixed result surfacing from the unprecedented charter school experiment. In one of the lowest performing school districts in the nation, next to D.C. schools, charters seemed like a good idea to replace a failing structure. [LB630]

SENATOR KOLOWSKI: Can you...can you finish up, please? [LB630]

SARAH THOMAS: I, you know what,... [LB630]

SENATOR KOLOWSKI: Thank you. [LB630]

SARAH THOMAS: ...I will try. [LB630]

SENATOR KOLOWSKI: Thank you. [LB630]

SARAH THOMAS: But I'd like you to ask me questions so I can further talk about these very important portraits, as my colleagues before me had unlimited time, it seemed. I learned, though, that many highly qualified teachers with the cultural capital of being native to New Orleans and

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deeply invested in their work and communities were replaced by 22-year-olds fresh out of Teach For America's three-week learn to teach boot camp, and TFA and other microwave credentialing programs diminish the profession, offer short-sighted solutions to the complex problem of teaching students in poverty. A typical TFA grad is often white, well-meaning, idealistic, capable, but clueless in his or her understanding about the culture and kids they're serving. Thus, the attrition rate is high in TFA and charter schools employ a lot of TFA teachers. Though City Year offers extensive support in New Orleans, the band-aid effect is problematic. Samantha's greatest concern was that she would become just another ineffective white savior type, swooping in for a contracted year to fix poor brown and black students' sad circumstance, then leave--this model done all too often again in charters. Though City Year offers extensive support in New Orleans, the band-aid effect is clearly, again, problematic. Students in underresourced areas often lack parental advocacy and, naturally, the resources to navigate institutional systems or even get to that lottery place of contending in a lottery. So these students reflect our most vulnerable segments of the population. So why, I ask, is it morally acceptable to subject our most vulnerable youth to the grand charter experiment when the results are mixed at best and reflect more disasters than success? For the successful charters, and, granted, there are some in New Orleans, in New York. Geoffrey Canada's Harlem Children's Zone is a shining example, but they're so exceptional. And they're wraparound programs where they have Saturday and summer school. They have nutritional meals for breakfast, lunch, and dinner. They support healthcare needs, including asthma treatments. They have whole child and family counseling services. They have enrichments like extracurricular activities middle- to upper-income students take for granted as givens in an educational experience. They have a stable, high-qualified, credentialed teaching force comprised of teachers who have a deep understanding and appreciation for the students and community they're serving. They're even supported in Canada's Harlem Children's Zone. They're supported with trust funds so that they can go to college, okay? And Canada earned a Ph.D. at Harvard. [LB630]

SENATOR GROENE: Miss. [LB630]

SARAH THOMAS: And I...did you hear any of my testimony? [LB630]

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SENATOR GROENE: Miss, we all have bodily functions. Is that okay with you? But you've been over three minutes. [LB630]

SARAH THOMAS: I just find the timing interesting, Senator, that you exited just as opposition is coming in, and I...let me just say, in closing... [LB630]

SENATOR GROENE: Is there any questions? Thank you. [LB630]

SARAH THOMAS: I find it a shameful abuse of legislative power what you're doing, and I can speak for a lot of people in here if not everyone. [LB630]

SENATOR EBKE: Excuse me, Mr. Chair, Mr. Chairman. [LB630]

SENATOR GROENE: Go ahead. [LB630]

SENATOR EBKE: You realize that the typical order is proponents and then opponents. Senator Groene made an exception and moved a group of opponents next. [LB630]

SARAH THOMAS: I have no issue there. [LB630]

SENATOR EBKE: Otherwise, you'd still... [LB630]

SARAH THOMAS: I have no issue there. I have no issue there. [LB630]

SENATOR EBKE: ...otherwise you would still be sitting here. [LB630]

SENATOR GROENE: It would be a shame... [LB630]

SENATOR EBKE: Well,... [LB630]

SENATOR GROENE: ...I don't need to know. [LB630]

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SENATOR EBKE: ...so I don't know why you're criticizing him for moving some of the opponents in now because otherwise they'd be waiting until all of the proponents got done. [LB630]

SARAH THOMAS: Okay, so the grumblings behind me have everything to do with giving proponents absolute freedom to speak. I mean the first gentleman spoke for 45 minutes. [LB630]

SENATOR MORFELD: And, ma'am, and I'll step up and just say something for a second. Number one, I'm opposed to charter schools. I'll vote against this bill. I'm not asking you questions because I agree with you. And so I do appreciate Senator Groene allowing opponents not to have to wait until 8:00 to be able to testify. I understand what you're saying. I understand your frustration and I understand your passion on this issue, but I'm not asking you questions simply because I agree with you. So it's...and the reason why those people talked for 45 minutes is because I had a lot of questions because they were in support a the bill that I had serious concerns about, just like you. So I just want to throw that out there and I appreciate your testimony. [LB630]

SARAH THOMAS: Okay. [LB630]

SENATOR GROENE: Thank you. [LB630]

SENATOR MORFELD: Thank you very much. [LB630]

SENATOR GROENE: I want to explain to everybody, this is a unique situation in Nebraska that we have public hearings. It's amazing. It's amazing that we ask questions back and forth and we treat everybody equal. But nobody wants to be here at midnight. And when we asked the proponents, these were people who actually lived it. They're asking us to start charter schools. These folks who we asked all those questions to lived it versus just opposed it, and that's why we wanted to get down deep into what...how they actually work in other states. And thank you, Miss, for being patient. And you go right ahead. [LB630]

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BARBARA GUTSHALL: (Exhibit 4) My name is Dr. Barbara Gutshall, B-a-r-b-a-r-a G-u-t-s-h-a-l-l, and I am an internal medicine physician in O'Neill. I have...I'm fully a product of Nebraska public schools, going to Sidney High School, graduating from UNL and playing volleyball there back in the '80s, and graduating from the Med Center with my M.D. I've practiced in O'Neill for 20 years. I have four children who have attended or are attending O'Neill Public Schools. I couldn't be more proud of our school. I will not waste time reading through the statistics that I quoted on my own paper. I, frankly, am very disgusted with our District 40 senator for bringing this up, as it has no effect essentially on our own district. And that's one of the reasons I came here today, to say that we have wonderful public schools. In medicine we base our decisions on evidence. And when I was asked by our administrator, Amy Shane, and another O'Neill teacher--and I would ask that maybe he could talk next since we have a three-and-a-half-hour drive home--when I was first asked I didn't know a lot about this bill. I certainly understand and very much appreciate all of the proponents' talks and the wonderful job they're doing and understand the need. However, you know, in medicine there's an oath we all take, prim non nocere, which means, "at first, do no harm." And I feel like that's very applicable to the bill that we're talking about today. Nebraska's public schools are flourishing. You know to suddenly, I certainly appreciate the urgency that the gentleman from New York had and all of those things, but to suddenly pop a charter school up without...with a loosely structured board and then expect to have great things on day one makes no sense to me. And I think that polishing our current public schools, which we can be very proud of, is what needs to be done. I think that's a responsible...fiscally responsible way to go. I also brought some information after someone brought up the CREDO, I'm going off topic kind of, but the CREDO study that was done at Stanford, the 2015 study, I have a rejoinder here that I didn't make 13 copies of but you're welcome to read it. It certainly dispels all of the wonderful statistics that Tyson Larson seemed to feel were legitimate. There is nothing statistically saying that charter schools outperform public schools, period. There is no evidence, none. I also enclose basically an editorial in The Washington Post on the same study. [LB630]

SENATOR GROENE: Did you pass that out? [LB630]

BARBARA GUTSHALL: I didn't but I would be happy to. [LB630]

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SENATOR GROENE: Well, no, just give it to our page... [LB630]

BARBARA GUTSHALL: Okay. [LB630]

SENATOR GROENE: ...and they will make sure we get 12 copies and everybody will get a copy of it. We don't need it now because, quite frankly, we'll all read it later. [LB630]

BARBARA GUTSHALL: So in summary, I know you're unaware, Senator Larson, having never attended a school in your district nor actually living in the district at any time in your life, that the teachers can be hard to come by in our rural areas. We have as many stoplights in my town as science teachers. Your plan defies all understanding of how life and education are in our rural...in rural Nebraska, the area you represent. And you once again show that you care not about your constituents but only about your own future dreams of a political career. And that's the only thing that makes sense to me as a constituent to look at this bill and why it was presented. So... [LB630]

SENATOR GROENE: Thank you. [LB630]

BARBARA GUTSHALL: ...I thank you for your time. [LB630]

SENATOR GROENE: Well, any questions? No. Thank you. We'll make sure Senator Larson gets your letter. [LB630]

BARBARA GUTSHALL: I would appreciate that. [LB630]

SENATOR GROENE: Opponents. [LB630]

(WOMAN FROM AUDIENCE): Let this man. [LB630]

BRYAN CORKLE: (Exhibits 5 and 6) I'm sorry. I got a three-and-a-half-hour drive home, with four kids so...that would really like to see their dad. [LB630]

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YOLANDA WILLIAMS: I have children as well, so I get it. [LB630]

BRYAN CORKLE: Thank you. Members of the Education Committee, my name is Bryan Corkle, B-r-y-a-n C-o-r-k-l-e, and I'm a proud product of our public school system. For the past 13 years I have been a science teacher at O'Neill Public Schools in O'Neill, Nebraska, and am before you today in opposition to LB630. I'll just read my testimony here. I don't believe that I'll even use all my three minutes, that are apparently up now. (Laughter) Thank you. [LB630]

SENATOR GROENE: Time is flying around here. [LB630]

BRYAN CORKLE: Yeah, it really is. (Laughter) I've also included a letter from our school superintendent that has been passed around as well. She's going to forgo her testimony but wants to provide that written testimony. Our greatest asset as a nation is the promise of a quality public education to every citizen. LB630 threatens to erode the fabric of that great promise. The charter school model upon which LB630 is based is flawed at its core, as it creates further divisions in our society while stripping away precious resources from the institutions that serve those in the greatest need. The fundamental flaw of the charter school model for society lies in a design that seeks to skim away, in large part, the students with the greatest potential for success. That speaks to Senator Pansing Brooks's question. She talked about taking the cream off of the top, and I think a lot of people thought that that was appeased by a lottery system, but I ask you, in this next phrase here, who's going to opt into these newly created charters and who will be left behind in the public...the traditional public schools? A lottery system doesn't fix the problem because the students with the greatest need are those that are not even going to enter the lottery and they're going to be left behind in our traditional public schools, defunded in the current model. As you ponder and compare the demographics of these newly segregated groups in terms of parental support and the propensity to set goals and the belief and importance of education, ask yourself what population of students will remain behind and will these students be left with the resources they need. And the answer to that is unequivocally no. The schools LB630 would target are not failing schools but schools that are overwhelmed, overwhelmed by a litany of diverse needs and resources that are stretched too thin already. LB630 would only compound this problem while adding yet another layer to our education bureaucracy. I do not argue against education reform. I believe schools can and should be held accountable to the stakeholders they

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serve, accountable to seek and achieve improvement and growth for the benefit of all students, not just those that would opt into a lottery system and be selected. Moreover, those opting into these newly established charter school systems enter an unproven model steeped in risk and unsustainability. I cannot help but see the parallels between this so-called reform and the recent failed action of our former Governor and the Legislature to privatize the child welfare system of our state. We cannot afford to take another high-risk...make another high-risk social experiment part of policy in this state. I instead ask those...excuse me, I instead ask those that seek education reform to study the many cases of school turnaround, cases like the Miller Park Elementary in Omaha, which has been well documented. Nebraska has a long and enviable history among states in our Union for bucking reform fads in education that promise big but ultimately degrade the fabric of our society. LB630 ultimately jeopardizes the great promise of a quality education to all of our citizens by creating a new model for segregation of our students and sapping resources from the institutions that serve those in the greatest need. And it's in light of all of this that I urge you to kill this bill. Thank you. [LB630]

SENATOR GROENE: Any questions? How do you think it would affect O'Neill? Do you have a school that's in "needs improvement"? [LB630]

BRYAN CORKLE: We don't currently in our district. [LB630]

SENATOR GROENE: So you've St. Mary's, is it, up there too? [LB630]

BRYAN CORKLE: We do, yeah. [LB630]

SENATOR GROENE: So you kind of have an option there. [LB630]

BRYAN CORKLE: They do. [LB630]

SENATOR GROENE: How would it affect O'Neill, Nebraska? [LB630]

BRYAN CORKLE: Well, I think the concern is that you're taking money from a pool of resources that's finite, and that's what this committee has talked about at length. And so any



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reform that we do pulls funding from, you know, that broader pool that gets distributed statewide, and that's a concern of mine. [LB630]

SENATOR GROENE: So you would be against any new program in the schools, preschool, anything funding because it would take funding away from existing... [LB630]

BRYAN CORKLE: No. No, I just don't...what I'm against is the idea of if you're already providing, you have so many students in a particular grade level and so now if we're going to start a new school, now you require another 3rd grade teacher, whereas before maybe it's 15 students per class but 5 of those opt into the charter school. This is a hypothetical model. [LB630]

SENATOR GROENE: But OPS and Lincoln and Kearney are building new schools all the time for expansion. [LB630]

BRYAN CORKLE: And I'm not against that. [LB630]

SENATOR GROENE: Yeah. [LB630]

BRYAN CORKLE: What I am against is, again, I mean if the district decides there's a need to build new schools, then by all means we should build new schools. What I'm against is this idea of pulling from this overall General Fund for the... [LB630]

SENATOR GROENE: So that's your biggest worry, that... [LB630]

BRYAN CORKLE: Yeah. [LB630]

SENATOR GROENE: ...the funding would be cut across the state (inaudible). [LB630]

BRYAN CORKLE: Well, the funding is finite. I mean this committee has... [LB630]

SENATOR GROENE: Thank you. [LB630]

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BRYAN CORKLE: ...that's well established here. Thank you. [LB630]

SENATOR GROENE: I appreciate your patience and... [LB630]

BRYAN CORKLE: Thank you. [LB630]

SENATOR GROENE: ...your understanding. Senator Linehan. [LB630]

SENATOR LINEHAN: Thank you, Chairman Groene. And thank you very much. And I love O'Neill. I think it's a great town. [LB630]

BRYAN CORKLE: Thank you, Senator. [LB630]

SENATOR LINEHAN: Just one thing, and I think there's a lot of confusion about this and maybe I'm wrong. But on the privatization of welfare, it was a mess but part of it stayed. In eastern Sarpy and Douglas County it's still that way. Are you aware that there's 28 schools in OPS, most of them...a lot of them clustered in the north part of Omaha, that are "needs improvement" schools? [LB630]

BRYAN CORKLE: I was not familiar with the exact number but I knew that there were schools in the district that did require improvement, yes. [LB630]

SENATOR LINEHAN: And I think in your testimony, I appreciate this very much, you said that you believe in accountability. [LB630]

BRYAN CORKLE: Very much so. [LB630]

SENATOR LINEHAN: So what would you do with those 20? I mean, what would you do? [LB630]

BRYAN CORKLE: Well, I think that, you know, the committee and Senator Kolowski, he could speak with more knowledge of this, but I think that we need flexibility within the current model

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to be able to provide. You know, I sit here like everybody else and my heart bleeds at some of the testimony that the proponents brought before you today. And as an educator, I don't know how you could feel anything otherwise. We do need flexibility within public education, but our public education system is the envy of this nation and I bristle and I drive four hours and I won't see my kids to go to bed at night because I feel so passionately about that. So I don't see this as a solution to the problems that exist in north Omaha for the simple fact that we, again are...I think the people in north Omaha as a district and a school operating system, that kind of thing, can come up with their own solutions. [LB630]

SENATOR GROENE: Thank you. [LB630]

BRYAN CORKLE: Yeah. [LB630]

SENATOR GROENE: Any other questions? Thank you for your testimony. I got time for a time a couple more opponents. [LB630]

YOLANDA WILLIAMS: It's a fight for this chair. [LB630]

SENATOR GROENE: Thank you. [LB630]

YOLANDA WILLIAMS: (Exhibit 7) Good afternoon, Chairman Groene, or good evening, and the members of the Education Committee. My name is Yolanda Williams, Y-o-l-a-n-d-a W-i-l-l-i-a-m-s, and I'm appearing in front of you today to testify in opposition of LB630 as a member of the Omaha Public School Board of Education and the 52,000 students we serve. First, before I go on, I want to thank every proponent of public education that was here today, that's tuning in, and that's watching via the Internet. As an elected member of the Omaha Public School Board of Education, I believe it is important for our students, our families, community members, including our business and nonprofit community, to have transparency and accountability of the spending of our taxpayer dollars. That transparency and accountability are at risk under LB630. As you know, an important component of serving as an elected official is listening to the families and stakeholders we serve. OPS has listened to the community and we currently offer a variety of choice and educational options for our students. We have magnet and focus, as well as

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blended learning environments. We offer these choices under the guidance of an elected school board which provides taxpayers transparency and accountability. We also offer career pathways, dual language, military science and tactics, Native American education, Accelerate, adult high school, gateway to college, dual enrollment, advanced placement, international baccalaureate, independent study, secondary success, alternative education. We have the first virtual K-8 school in the state as well as UNO/OPS middle college programs. Option enrollment also allows students to move between public school districts if that is a better fit for their family. We have come extremely far in the last decade, and by the achievement data that was released for the last school year, we are on the move and we will continue to be on the move in the next five to ten years. As the only sitting single parent of three children, we are people of color. My oldest child is autistic. I have a behaviorally challenged child who has had lots of challenges. I am a board member that serves in Subdistrict 1 who has the highest poverty rate in OPS. I am an active, engaged citizen of this great state and I believe that Nebraska public schools are serving our community well. We already have choice. We have plenty of choice, and charter schools are simply not needed. I believe LB630 is a solution in search of a problem that does not exist in Nebraska. And I strongly urge all of you to oppose this legislation. Thank you. [LB630]

SENATOR GROENE: Thank you. Senator Pansing Brooks. [LB630]

SENATOR PANSING BROOKS: Thank you. You heard some of the testimony. Do you represent north Omaha schools? [LB630]

YOLANDA WILLIAMS: Yes, I do. [LB630]

SENATOR PANSING BROOKS: Okay. So do you have some suggestions about what's happened and what's going wrong and what could be better and what the Department of Education needs to help you do and because we hear that there's...I mean, we know there's problems going on up there. It's the schools are whatever, substandard? I can't even remember. [LB630]

SENATOR LINEHAN: "Needs improvement." [LB630]

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SENATOR PANSING BROOKS: "Needs improvement." And so what do you think needs to happen? [LB630]

YOLANDA WILLIAMS: Well, quite honestly, this is beginning my second term and for the past four years that's what we have focused on. If you look, NDE has used our "persistently low in achieving" school, Druid Hill, as a model for the state to inform work at, for right now, Santee and Loup County schools. So we have the MTSS-B, the multi-tier support systems of behavior (sic--Multi-Tiered Systems of Support for Behavior), happening. OPS spends less per student than the state average to educate students but yet we are advancing in our academics and our achievement. Again, this past year we, in the fall, we announced the highest state achievement scores in our history. That says that we're on the move. We have a strategic plan. We are working on infrastructure. We are building a model that we are looking at in K-6 education right now as achievement is high. It's very high. And those students that move to middle school, you're going to see those scores increase. And when they get to high school, they're going to increase. And everyone that's been up here has talked about OPS but I've been the first person to be here for OPS and represent our district. I am proud to be an OPS parent. I am proud to work for a mentoring organization that serves only OPS because we know that getting our students to and through college and postsecondary, that is the wave of our future. We have millions and millions of dollars of trade work and we need teachers and we need nurses, and that's exactly what we are doing at Omaha Public Schools. You know, the efforts to recruit, we've talked about diverse staff. We had a new teacher induction this year of 400 new students. I had the pleasure of honoring them and speaking to them, the most diverse group of teachers we've ever had in our district: age, gender, culture, race, all of that. We are actively recruiting. We have some fabulous candidates for a superintendent. Historically, we have never even interviewed a person of color. A black man we have could possibly be our next superintendent. So for those to come and talk about our fabulous district that is leading the work, not just here in this state but we are leading work across the country. OPS is on the move. We...our goal is to be the number one urban district in this country. And with the support that we have here from teachers and staff and from you, we are going to do that. So I pooh-pooh what they say about the charters because all of the colleagues I have around this country, they're saying that we have had charter schools and our students and our families are running, running back to public education institutions. That's something that we need to be talking about. This, what we're doing at OPS, what we're doing in

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LPS, what we're doing across our great state is proof that we do not need charter schools in our great state. [LB630]

SENATOR GROENE: Thank you. [LB630]

SENATOR PANSING BROOKS: Thank you. I (inaudible) so it has been historically bad and you've made recent changes? Is that what's going on? [LB630]

YOLANDA WILLIAMS: We have made phenomenal changes. We've had... [LB630]

SENATOR PANSING BROOKS: Has it been recent though? [LB630]

YOLANDA WILLIAMS: It has been recent. [LB630]

SENATOR PANSING BROOKS: Because we're hearing about generations of... [LB630]

YOLANDA WILLIAMS: Absolutely. [LB630]

SENATOR PANSING BROOKS: ...of not dealing with the kids and parents who can't teach their kids to read because they weren't taught to read. So the changes are recent, that there's an effort right now... [LB630]

YOLANDA WILLIAMS: Absolutely. [LB630]

SENATOR PANSING BROOKS: ...that you want to let work. [LB630]

YOLANDA WILLIAMS: Absolutely. Our strategic plan, our needs analysis, all of the things that we're doing, we're not doing them because we don't have anything better to do. I'm sure plenty of you know that our typical board meetings run eight to ten hours anymore because we're really trying to make sure that our students and our families and our community are getting what they need. And I will tell you in all of my 11 schools that I represent, as well as some in Subdistrict 2 that I don't but I work with on a daily basis, they are proud to be a part of our

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district. They are proud that we are working hard to make sure that each and every one of our students are getting what they need. Do we have room for improvement? Yes, we do, but we are addressing those needs every day. We are addressing those needs. [LB630]

SENATOR PANSING BROOKS: Thank you for coming here today. I appreciate it. [LB630]

SENATOR GROENE: Thank you. I'm going to have to cut questions off here pretty soon. [LB630]

SENATOR LINEHAN: Okay. [LB630]

SENATOR GROENE: Senator Linehan. [LB630]

SENATOR LINEHAN: So of the 28 "needs improvement" schools, are they still? I know the scores have improved but how many of the schools of those 28 are now proficient in 3rd and 8th grade reading and math? [LB630]

YOLANDA WILLIAMS: At this moment I couldn't give you those numbers off the top of my head. Lots of data at OPS but I will make sure that you get that information? [LB630]

SENATOR LINEHAN: And did you recently, did the school try to, OPS, the district, I'm sorry, did you try to bring in, well, I'm reading this, OPS union won't sign on alternative middle school. Are you trying to open that? [LB630]

YOLANDA WILLIAMS: So currently my understanding is that we are working with the Omaha Education Association to make sure that our teachers, you know, we have teachers that are working on that. It was something that at one point was proposed and that has been removed from the table because we really do want to collaborate with our teachers. We believe in our teachers. It's unfortunate that there's been some miscommunications and...but that for us has been very...it's very important. I mean we have lots of challenges again and not everybody that is in OEA is for what they say and they're not all for what we say. So we're looking at finding some common ground but right now the common ground is our students and we are working with the

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Omaha Education Association to make sure that we have our teachers that are here working with our students, because they know those kids. [LB630]

SENATOR LINEHAN: So there's not, if a middle school student right now, there's not an alternative school. [LB630]

YOLANDA WILLIAMS: Currently, we don't have a middle school alternative school. And I know that because my child was, before Wilson became a focus school, my child was in the last class at Wilson of the alternative education program. So I know the teachers can do it. We just have to come to some common ground and make that agreement. [LB630]

SENATOR LINEHAN: Okay, I just...one more question. [LB630]

YOLANDA WILLIAMS: Uh-huh. [LB630]

SENATOR LINEHAN: Who did you contract with for the virtual school? [LB630]

YOLANDA WILLIAMS: I can't give that off the top of my head. I have my...I have Monique (phonetic) here that will give me that. [LB630]

SENATOR LINEHAN: Okay. [LB630]

YOLANDA WILLIAMS: I know Rod Dixon (phonetic) has worked with that at lot so he's really the key person (phonetic). [LB630]

SENATOR LINEHAN: That's fine. Just if you can get them to us, that would be great. [LB630]

YOLANDA WILLIAMS: Absolutely get that before I leave today. [LB630]

SENATOR LINEHAN: Thank you very much. [LB630]

SENATOR GROENE: That brought up a question for me. [LB630]



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YOLANDA WILLIAMS: Uh-huh. [LB630]

SENATOR GROENE: So you want to start an alternative middle school, something like the magnet schools that you have, the Buffett Magnet Schools? Is that considered an alternative school too? [LB630]

YOLANDA WILLIAMS: Well, our alternative schools or our Accelerate Programs, our Blackburn. We know that those...we need a place for those students to go to get the education that they need, and not all the students need to be out of the system. I think... [LB630]

SENATOR GROENE: So I'm going to cut you off... [LB630]

YOLANDA WILLIAMS: Okay. [LB630]

SENATOR GROENE: ...because you answered my question. [LB630]

YOLANDA WILLIAMS: Okay. [LB630]

SENATOR GROENE: So your teachers are under a union contract... [LB630]

YOLANDA WILLIAMS: Yes. [LB630]

SENATOR GROENE: ...and they get paid the same and the same benefits no matter where they teach. [LB630]

YOLANDA WILLIAMS: Absolutely. [LB630]

SENATOR GROENE: Why do they have veto power about where you assign them and what school that you want to...curriculum that you want to pursue? [LB630]

YOLANDA WILLIAMS: I wouldn't personally say veto power. I think... [LB630]

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SENATOR GROENE: Sounds that way. [LB630]

YOLANDA WILLIAMS: ...that I mean it's negotiations and that unfortunately I'm not going to be able to talk about what the negotiation process is because that's a legal thing and, unfortunately, our legal counsel would have my head on a platter and I need to feed my children tonight. [LB630]

SENATOR GROENE: Well, thank you. And I appreciate you, as an elected official, taking the time to come down here and giving us firsthand what you're up against. [LB630]

YOLANDA WILLIAMS: Thank you. [LB630]

SENATOR GROENE: Appreciate it. Any other questions? Thank you. Next. We're going to go with a couple more, the young lady, a couple more opponents. We want that young lady back there. Two, two, and then we'll go back to proponents. [LB630]

MARY SCHLIEDER: (Exhibit 8) Good evening, everyone. My name is Mary Schlieder, that's M-a-r-y S-c-h-l-i-e-d-e-r, a teacher for the Norris School District for 19 years. I currently teach at-risk high school students in our inclusion-based special education program. In my spare time, I help prepare future teachers as an adjunct instructor for several local universities, including one that is on-line around the country. So I have both public school and public charter school teachers. I am also the 2008 Nebraska Teacher of the Year. All my e-mails to you--you now have a face to put with the name--have been very research oriented. Today I'd like to focus on the charter school experiences of real-life people I personally know. These experiences illustrate the problematic nature of upending the way Nebraska educates our kids. I have actively sought out pro-charter perspective. A close friend of my brother's, a lawyer in North Carolina who readily admits he has no education background, is an unabashed supporter of charter schools. He founded a charter school in North Carolina and in a phone interview with him, he confirmed much of what I already knew. His charter school does well based on test scores. However, he said there's no pressure to keep expulsions down. He did tell me that we accept everyone, and many charter schools will tell you that. What they won't talk about necessarily are the students whose behaviors aren't in alignment or the special education needs that they are not able to serve

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that are not able to stay. If the student misbehaves in his school, they're out. While his school has programs for students with mild disabilities, they do not have them for those with more significant disabilities. This is quite common. Charter schools nationally serve far fewer students with disabilities. In some states there are clear financial disincentives to offering these programs. My brother's friend said his charter school can't afford to offer special programs, yet art, music, FFA, SkillsUSA, speech, and theater inspire and keep some of our at-risk students interested in school, plus they are pathways to a variety of future careers for all students. He said only 50 percent of his teachers are certified and that wasn't really important to him. On the other hand, Nebraska has a stable, certified teaching force. In many charter voucher states, large teacher turnover requires lowering certification standards in order to get adults into the classroom. No longer viewed as a long-term career option, charter teachers continue to be younger and less experienced. Another concern: instability. The gentleman that I interviewed said they were planning on having approximately 280 students at the beginning of the 2016-17 school year. They learned on the first day they only had 230. Imagine arriving at school after you had already fixed up your classroom and were ready for your students only to be told that you did not have a job. Perhaps most disturbing was this statement: My advice to anyone starting a charter school would be to have a sugar daddy. When I asked him what that was, he referred to educational management organizations, or EMOs. These are firms that manage charter schools. He said if you have an EMO partner, they will pay the \$40,000 to \$50,000 to complete the application for the independent schools. EMOs will provide marketing support early on, that may be mailers and other advertisements, along with some board staff training. In return, as you can expect, the school is more or less run by the EMO. They usually hire the principal and have a say in most of what goes on. There would still be a local board of directors, but they have little say. This model destroys local control of schools. The school board system we currently have works very well for Nebraska. I am opposed to any system that takes local control and puts it in the hands of management companies far removed from Nebraska. Having put up the money, they expect to be able to run the schools. These are not people who have ever been in a classroom before. They have not studied education and how children learn. For them, it's about the bottom line. In closing, I would ask you to seriously consider why we would drastically change the Nebraska education landscape when there is no credible research indicating that charters do any better. Some do better, some do worse, and some do the same. This is because the real reason some kids in school struggle have not been addressed at all. All we've done is change who manages these

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schools. Instead, provide quality early childhood intervention and remedial services to children who experience trauma, mental illness, disability, homelessness, mobility, substance abuse, and English language learners. Please invite teachers to every table, to every meeting where discussions on how to improve education in Nebraska are taking place. We are the experts. Work with us to make education in Nebraska better. Please put evidence over ideology. Thank you.

[LB630]

SENATOR GROENE: Thank you. Thank you. Any questions? Thank you for your testimony. Remember, we have to watch the lights. Try to keep it...speed it up or whatever, keep it to the three minutes. A lot of people want to testify yet. It's going to really get late. Go ahead, young lady. [LB630]

AUTUMN KUNZE: All right. Hi, my name is Autumn Kunze, A-u-t-u-m-n K-u-n-z-e. I am an educator in Nebraska and an opponent of LB630. Prior to teaching in Nebraska, I had the opportunity to student teach in Chicago Public Schools through the Chicago Center in Nebraska Wesleyan University. Prior to going there, I didn't know much about the charter school system, vouchers, or any of the like. And I didn't have a real position against it. While I was there, I got to listen to both advocates as well as opponents of charter schools, as well as get to visit several of them and speak with the principals and the teachers. And what I learned ultimately became the reason that I turned down a teaching position in Chicago Public Schools and returned to Nebraska. When touring the charter schools, what I first noticed was a big disparity in the resources they had available to them. While I taught in a school that didn't have a copy machine available to teachers to use, I toured a charter school that had 18 computer labs and four 3-D printers for their students to play with. The second thing that I realized was that a lot of this was justified by saying they were equally accessible to students through the lottery system. However, the real question is, how are students entered into that lottery? And what I learned was that charter schools had the option of making that application available only in person or only on-line. If the application was only available in person, working parents who were not able to take off work and physically drive to the school or did not have the transportation to do so, did not have access to the application. Parents who had limited English or limited literacy could not fill out the application, and there is no requirement for it to be translated or for them to have help doing so. Those students were then effectively excluded from the charter schools. Beyond that,

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charter schools were not required to provide services for ELL, special education, and the like. The very definition of a public school is that it is available to people as a whole. All means all. In charter schools, this is not the case and so I do not believe that they should receive public funding. [LB630]

SENATOR GROENE: Thank you. Any questions? Thank you for your testimony. Now we're going to go back to proponents. How many proponents are left? Four? All right. Try to keep...watch the light. Go ahead. [LB630]

MARGARET RAYMOND: (Exhibit 9) Good evening, Senator Groene, the other members of the Education Committee. My name is Margaret Raymond, M-a-r-g-a-r-e-t R-a-y-m-o-n-d, and I'm the director of the Center for Research on Education Outcomes, CREDO, at Stanford University, and I'm very glad to have come to Nebraska today to find out that our research is apparently not credible. Good to know. I would like to take the opportunity to just touch a little on our research, top line results for you, and really try to bring instead a little bit of a wide-angle view about what I've learned about charter schools, studying them for the last 15 years. As other proponents have mentioned earlier this afternoon, the research that we've done at Stanford does indicate that for most students who are a minority or in poverty or have multiple challenges, charter schools turned out to be a very good educational option for them. The amount of learning that happens in the space of one year is significantly higher in both reading and math. Nationally, across all charter schools, they have just now started to edge ahead of traditional public schools in overall performance. But the real sweet spot for charter schools is in the urban environment where they're dealing with students who have multiple challenges of education deficits and learning settings in traditional schools that have not served them well. What I'd like to do, though, is to really talk about what I think charter school is all...what a charter school policy is all about. We've talked about all the different ways that the charter schools behave, and I appreciate that Senator Walz has asked that question consistently. I think there's a point that's been missed, though, which is that it's actually easier to create a good school from scratch than it is to take a failing school and turn it around. And the challenge that is being faced by failing, underperforming schools across the country is a daunting one. It's culture, it's embedded teaching practices, it's an attitude of discipline and so on. With the kind of flexibility that charter schools are given, I think they can actually deliver a faster solution to the challenges of

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underperforming schools than you're going to get by serious long-term investment in trying to take failing schools and turn them around. The last point that I would make is that you are not choosing a policy that is going to be a one-year or a two-year or a five-year proposition. And I really want you to think about this, because what you end up with in the charter policy framework is a mechanism by which you can repeatedly address, by closing down bad schools, and create over time an increasing population of higher performing schools. Think about taking a distribution and taking the left tail off, the bottom 5 percent, and closing them, replacing them with another school. Give it a chance. Over time the portfolio that you end up with is actually on a higher improvement trajectory than we see in traditional public schools. So with that, I'll stop. [LB630]

SENATOR GROENE: Okay. Any questions? I have one clarification. We heard that the charter schools don't compare that well to public schools. But what you said was when you compare them to their environment in the urban area, they do quite well to those public schools. [LB630]

MARGARET RAYMOND: So in all of our research,... [LB630]

SENATOR GROENE: Did you do a comparison on both? [LB630]

MARGARET RAYMOND: Yes. Yes, sir, we did. In all of our research, we take individual student-level data for children in charter schools and we find kids who go to the traditional public schools those charter school students would have attended if they didn't go to the charter school. [LB630]

SENATOR GROENE: Yeah. [LB630]

MARGARET RAYMOND: So we have an apples-to-apples comparison. And what we find is across the country all public...all charter schools pooled together they're a little bit better. But when we look deeply at urban charter schools in 41 cities across the United States we found on average that performance was strikingly more positive for charter schools' students than they were for the traditional public students that look like them. [LB630]

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SENATOR GROENE: So what you're saying then is if you pinpoint where you place them, you can get more bang for your effort? [LB630]

MARGARET RAYMOND: Let me address it in a slightly different way. I think... [LB630]

SENATOR GROENE: It's basically what we said where schools are failing is where to place them. [LB630]

MARGARET RAYMOND: Yes, exactly. So where I think location plays into it is that the particular groups of individuals who want to operate charter schools in those locations come in with a very deep focus on addressing the needs of highly underperforming students. They develop models that are particularly focused on that group of students and they're very effective at it. The rest of the charter school population are more varied in their focus, in their efforts, in their quality. [LB630]

SENATOR GROENE: So let me interrupt you because you answered my question. But so in some states, the charter schools are allowed to go anywhere. They're not restricted to just schools in need, need of improvement. [LB630]

MARGARET RAYMOND: There are only two states that have...there are only two states that allow charter schools that have geographic restrictions: Massachusetts and Missouri. [LB630]

SENATOR GROENE: That they can do it anywhere. [LB630]

MARGARET RAYMOND: Everybody else can go anywhere. [LB630]

SENATOR GROENE: Anywhere. [LB630]

MARGARET RAYMOND: But in Massachusetts it's only in two cities and in Kansas City...and in Missouri it's two. [LB630]

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SENATOR GROENE: So what this bill is trying to do is pinpoint them in areas where they need improvement. So... [LB630]

MARGARET RAYMOND: Yep. [LB630]

SENATOR GROENE: ...statistics can lie. When you compare a charter school to good public schools, it's hard for them to be better. [LB630]

MARGARET RAYMOND: School-to-school comparisons in this setting don't work. [LB630]

SENATOR GROENE: Yeah. All right. Thank you. Any other questions? Senator Erdman. [LB630]

SENATOR ERDMAN: Senator Groene, thank you. Thank you for coming today. I know you don't have in front of you, but on page 9... [LB630]

MARGARET RAYMOND: Yes, I do. [LB630]

SENATOR ERDMAN: ...it's a study sample. [LB630]

MARGARET RAYMOND: Yes, sir. [LB630]

SENATOR ERDMAN: Now are these the total private and public schools? Where do these schools study from? Where is that? [LB630]

MARGARET RAYMOND: No, sir, the study that is being discussed here is a national study that was conducted in 2013 of 26 states plus the District of Columbia. [LB630]

SENATOR ERDMAN: Okay. All right. So as we go down, as we go down there, you have 67,000 schools. What's that "TPS" mean? [LB630]



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MARGARET RAYMOND: Traditional public schools. That's the entire public sector in the states in which we studied. [LB630]

SENATOR ERDMAN: Okay. So it looks like the charter schools have an average attendance of about 336 students. [LB630]

MARGARET RAYMOND: That is correct. [LB630]

SENATOR ERDMAN: What surprises me is students in poverty is 54 percent in charter schools, 49 percent in public schools. And it goes down the list and all those categories, just about, are either similar or higher in charter schools. [LB630]

MARGARET RAYMOND: That's correct, sir. Charter schools typically serve a more disadvantaged population than even the schools from which those students came. [LB630]

SENATOR ERDMAN: That's amazing. Thank you. [LB630]

SENATOR GROENE: Any other questions? Senator, you had your hand up. [LB630]

SENATOR WALZ: Again, yeah. Thank you, Chairman Groene. [LB630]

SENATOR GROENE: I mean you had it before. Senator Walz. [LB630]

SENATOR WALZ: (Laugh) I'm getting tired. Can you...so one of the things that you talked about was flexibility, you think that that was a factor in, you know, higher achievement. Again, I'm looking for the specific teaching method. What specific teaching method are you using that is making that difference? [LB630]

MARGARET RAYMOND: So if you're looking for a single silver bullet, you're not going to find it in asking the question about teaching. Because of the flexibility that charters have at their disposal, they can adapt teaching into whatever things they think their students need. And it's in that matching that you get the secret sauce. So in some places you're going to have a very

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structured program. The woman who, oh, Ms. Linehan, who taught in Success Academy, that's a very structured program. Every single teacher teaches the same lesson the exact same way and that's what works in that environment. But right down the street where you go to Harlem Village Academies, where Jason spoke about earlier, their needs are different. Those kids need a much more embracing environment. And so the idea that every single child has three mentors in their school is their model where every single kid is touched every day by four adults, not physically touched. I mean educationally touched every day by four kids (sic--adults). That model is their secret sauce and that's what makes their result so positive. [LB630]

SENATOR WALZ: Okay. [LB630]

SENATOR GROENE: Thank you. Senator Linehan. [LB630]

SENATOR LINEHAN: Just...I know the CREDO study has been bounced around for years in kind of the school debates, but can you, for the record, just clarify who you are and your credentials and who you...and Stanford? [LB630]

MARGARET RAYMOND: Well, Stanford is a university in California that is pretty highly... [LB630]

SENATOR LINEHAN: I know Stanford. (Laugh) Just for the record, your credentials. [LB630]

MARGARET RAYMOND: I'm starting big and I'm going to go small. [LB630]

SENATOR LINEHAN: (Laugh) I've heard of Stanford. [LB630]

MARGARET RAYMOND: Okay. Stanford University, the Center for Research on Education Outcomes, CREDO, is an independent research group that operates at Stanford University. We are full-time researchers. We do not teach undergraduates or graduates anymore. We spend all of our time looking at promising school improvement programs in U.S. public K through 12 education. I am the founder and the director of CREDO and I've been at this for 18 years. And

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we've, over the course of the last 12 years, produced about 40 different studies of charter schools and what...how they work and what makes them work. [LB630]

SENATOR LINEHAN: Thank you very much. Appreciate it. [LB630]

SENATOR GROENE: Senator Kolowski. [LB630]

SENATOR KOLOWSKI: Thank you, sir. [LB630]

MARGARET RAYMOND: Senator. [LB630]

SENATOR KOLOWSKI: Ma'am, thank you for your testimony. And going back to your comments about in the most difficult parts of town where the charter schools have been so successful, more than other schools around them, outside of that targeted zone how are charters doing against all other schools when they're judged outside of those particular neighborhoods? [LB630]

MARGARET RAYMOND: That's an excellent question. [LB630]

SENATOR KOLOWSKI: Thank you. [LB630]

MARGARET RAYMOND: So if you move outside of the urban areas, we find that nonurban charter schools in suburbs and towns have very high levels of achievement but do not produce as much academic growth in the course of a year as their traditional counterparts. And when we looked into that, the explanation for that is in suburban charter schools, they're not doing what I would call academic rescue. They're offering a different style of schooling and parents are willing to make that achievement growth trade-off in order to get the different thing that those schools do. In rural areas the performance of charter schools is not as strong as we see in other parts of the country. And typically what our understanding of that is, is that it's a labor market problem, that they're simply difficult to staff and they would rather hold on to teachers and have an open school than not. [LB630]

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SENATOR KOLOWSKI: As you stated, the sauce is different. [LB630]

MARGARET RAYMOND: Yes, that's correct, sir. [LB630]

SENATOR KOLOWSKI: And to the other aspect, I'm thinking...I'll stop right there. Thank you. [LB630]

SENATOR GROENE: Any other questions? Senator Pansing Brooks. [LB630]

SENATOR PANSING BROOKS: Thank you for coming. I'm just...some of the information that I'm receiving talks about the fact that some of the lower performing charter school students were excluded from the CREDO results. And so will you speak to that? [LB630]

MARGARET RAYMOND: Yes. It's not true. [LB630]

SENATOR PANSING BROOKS: Okay. [LB630]

MARGARET RAYMOND: The person who made that allegation misunderstood that we match every single student based on their starting score, so their prior academic baseline score, and made the assertion that we had intentionally deleted the bottom 20 percent of students, which was not true. [LB630]

SENATOR PANSING BROOKS: And have you studied states like Nebraska that don't have higher significant populations to determine whether or not diluting the public school funding in order to support the start-ups of all the new charter schools, if that...how that affects kids that are still left in the public schools that are having...they're already in the struggling schools who didn't, for whatever reason, didn't get the on-line lottery ticket or whatever lottery ticket it is? There are kids that are left behind, no question. [LB630]

MARGARET RAYMOND: So there's been a lot of discussion about the fact that money will be leaving the system to go to the charter schools. Nobody seems to be talking about the fact that there are also expenses that are leaving the system when students go to charter schools. And I

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don't think that there's any dispute that there are short-run disequilibrium in terms of those two sets. But if you take the longer term perspective, there is in fact greater flexibility in a larger budget. Supposedly, with the scale efficiencies that were mentioned earlier, you can actually make more adjustments in a larger system to accommodate the out-migration of students. And in fact, Omaha has done that for years and years, as other students have left the system to pursue other options. So it's not as though that knowledge is completely hidden. And that experience exists in schools now. They make adjustments in budgets all the time. [LB630]

SENATOR PANSING BROOKS: Thank you. [LB630]

MARGARET RAYMOND: All right. [LB630]

SENATOR GROENE: Did you...you said you studied public education, too, trends, trends in public education. [LB630]

MARGARET RAYMOND: Yes, sir. [LB630]

SENATOR GROENE: So you also have studies that show where...what states have made strides in public education changes? Have you studies that we could access? [LB630]

MARGARET RAYMOND: Oh, it's right here on page 13. Thank you for your question. Yes, so... [LB630]

SENATOR GROENE: So you're just...what I'm saying is you're not biased towards charter schools. You just study education. [LB630]

MARGARET RAYMOND: That is correct. We actually are not pro-charter or anti-charter or pro-district or anti-district. What we do stand for is great schools for all kids. [LB630]

SENATOR GROENE: Thank you. [LB630]

SENATOR PANSING BROOKS: You're pro this. [LB630]

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MARGARET RAYMOND: What? [LB630]

SENATOR PANSING BROOKS: You're coming to testify as a proponent. [LB630]

MARGARET RAYMOND: Only because I didn't want to be here at 3:00 in the morning.  
(Laughter) [LB630]

SENATOR MORFELD: You get paid a lot more than us. [LB630]

MARGARET RAYMOND: Actually, this particular bill I can support. I can support this bill and be a proponent of it because I do think that this is a well-crafted legislation. Thank you. [LB630]

SENATOR GROENE: Thank you. Next proponent. [LB630]

DEBRA PORTZ: Hi, everybody. My name is Deb Portz, D-e-b P-o-r-t-z. I am here as a former LPS parent, PTO president, and volunteer, and I am here in support of LB630 to adopt the Independent Public Schools Act. We have many things to be proud of regarding our K through 12 education system in Nebraska and often those talking points are emphasized when we look at data results in the aggregate. But if you drill down into the data and trends in Nebraska education in recent years, even as we've significantly increased funding for education, our student test results have struggled to keep pace with improvements in the national averages. We will hear common opposition to charters and school choice that they are focused on privatization or that they drain public schools. I will argue that Nebraska is already focused on privatization of public education. Nebraska is one of a handful of states that heavily regulates the functioning of their private schools. The Nebraska Department of Education focuses on implementing this oversight through approved accreditation in Rules 10 and 14. But charter schools, they are public schools. They educate students at a fraction of the cost, per pupil costs, and they, as the woman previously said, they eliminate the expenses to educate a child in an overburdened public school system where children have not found a good fit. The Omaha Street School in Omaha is a good example of what a charter model could look like for failed public school kids in Nebraska. It is true that charters do not fall under the current regulations of systems of accountability in traditional public schools in several states, nor would they as proposed in LB630. They would

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have their own regulations that parents and a board that consisted of elected Nebraska officials and government appointees who would hold them accountable, as stated in this bill. But they will still have to take NeSA and AQuESTT. Their accountability, however, will result in the closure if they do not perform well. This is not an accountability currently held by traditional public schools in Nebraska. Nebraska has always taken the approach of a system of K through 12 education accountability for its state standards that isolates itself from the rest of the country without comparable measures across state lines. And in traditional public school systems in other states across America, very different forms of accountability for high state standards exist. To say that Nebraska public schools has the corner on the market of accountability systems that work or should be considered to pursue excellence in education is not an attitude conducive to improving publication. And to say that a legislative contract with a charter school and the state would fail, well, Senators, that's your job, to do what senators in 45 other states have been doing in the last 26 years in legislative houses on school choice: You write a good bill and you improve on it annually. Opponents to charters tout public school graduation rates and ACT scores and the college-going rate and, yes, these aggregate statistics are great in some Nebraska schools and across some student population groups. But the story changes drastically with different data cuts. For example, the graduation rate of black males is 50 percent in Nebraska. We rank 49th in the country in this statistic according to the Schott Foundation on (sic--for) Public Education, and Nebraska has the largest gap in America at 36 percent between white and black male graduation rates. According to ACT, the 2016 results for Nebraska showed that Nebraska decreased in all subject areas--math, science, reading, and writing--from 2015 to 2016. In addition, the percent of students meeting ACT college readiness decreased in all four subject areas and it decreased more than the national average. Unless traditional public school surprises us by embracing new curriculum generated by revised state standards and that curriculum motivates students to higher levels of performance, fixing the schools that are failing in Nebraska within is unlikely to exceed. If school reform is to move forward, it will occur by new forms of competition and innovation that rise to the top. And if student testing has an impact on reform, it will be due to better information parents receive... [LB630]

SENATOR GROENE: Could you wrap it up? [LB630]

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DEBRA PORTZ: ...about the amount of learning. The Every School Succeeds Act was heavily dismantled last month by Congress. The power to reform Nebraska schools is right here, right now in this room more than ever before. I'll just leave it at that. [LB630]

SENATOR GROENE: Thank you. Senator Walz. [LB630]

SENATOR WALZ: Thank you, Chairman Groene. Just a quick question. What would you change about public schools? [LB630]

DEBRA PORTZ: What would I change? I'm not sure that when you have a big one-size-fits-all system that you change. I think that the public schools are great for 80 percent of the kids. I think the bottom 10 percent and the top 10 percent probably need some different options. But I'll give you an example in Lincoln that works well. There is a gentleman called...his name is Dr. Dan Alberts. He works at St. Mary's across the street from the Capitol. Four years ago he started with middle school children that needed a remedial course at Pius, and they had a remedial course waiting for them. These children struggled in math, in proficiencies in math on NeSA. What Dan did and what Ec3 did was take UNL engineering students on an NSF grant for mentoring and went in with a totally different model, went in with the middle school kids and taught these kids. They started with math and now they...and then they went with science. In four years those children went from low proficiencies in NeSA and needing remedial classes at Pius to right now they enter high school having taken the ACT and gotten a 23 composite. They enter high school having taken the UNL on-line Algebra I and Algebra II and getting no less than an A because that is the expectation. They just went to a math competition in Omaha where they won two of the three portions of the competition. But I know that Mr. Dr. Alberts approached LPS about this model and they refused to let him do it in the LPS schools. [LB630]

SENATOR WALZ: So (inaudible). [LB630]

DEBRA PORTZ: Now that was four years ago. [LB630]

SENATOR WALZ: Okay. [LB630]



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SENATOR GROENE: Thank you. [LB630]

SENATOR WALZ: Thank you. [LB630]

SENATOR GROENE: Any other question? Senator Kolowski. [LB630]

SENATOR KOLOWSKI: Thank you, sir. Ma'am, when you mentioned the ACT scores in 2015-2016... [LB630]

DEBRA PORTZ: Uh-huh. [LB630]

SENATOR KOLOWSKI: ...that they'd gone down slightly or had fallen a bit... [LB630]

DEBRA PORTZ: No, I said that they decreased in their subject areas, and this straight from ACT,... [LB630]

SENATOR KOLOWSKI: Got it. [LB630]

DEBRA PORTZ: ...the ACT 2016 report. So according to ACT, the 2016 results for Nebraska showed that Nebraska decreased in all subject areas--math, science, reading, and writing--from 2015 to 2016. In addition, the percent of students meeting ACT college readiness decreased in all four subject areas and decreased more than the national average. [LB630]

SENATOR KOLOWSKI: Do you have how many students took the test in both those years? [LB630]

DEBRA PORTZ: I know that it's not the 100 percent. I believe that last year it was 88 percent and whether... [LB630]

SENATOR KOLOWSKI: Was it higher in the second year than the first year? [LB630]

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DEBRA PORTZ: That I can't speak for 2015 but I know that we didn't go to the increases in Nebraska until 2013 because my son was in that cohort. But I can also tell you that, you know, we talk a lot about, you know, people who have school choice and people who want school choice, and I do know and have the data that I can provide for you, if you look at Omaha Catholic schools, who are figured into the ACT average for Nebraska, if you pull them out, Nebraska falls below the national average. [LB630]

SENATOR GROENE: Thank you. Any other questions? Thank you, Miss. Good statistics. Next proponent. We got two proponents left. Then we'll go back to opponents. [LB630]

RUSS SIMNICK: (Exhibits 10 and 11) I was going to say good morning, as written on my paper, but good evening. Thank you. My name is Russ Simnick, R-u-s-s, last name S-i-m-n-i-c-k. I'm with the National Alliance for Public Charter Schools. We're one of the leading nonprofit advocacy groups that supports charter school policy around the country on both the federal and the state level. Although also just in directing some of your questions afterwards, I did want to tell you that I'm also a former charter school teacher, a former charter school principal, a founding school leader, and the proud parent of two daughters who attend public charter schools in Indianapolis and both doing very well in those. In 2009, the National Alliance brought together some of the best minds in charter school policy in the country and we analyzed every state law that was existing at the time in a number of different areas, in 21 different categories, from accountability to funding to, you know, extracurricular activities, almost anything that's been discussed today. And we found...we took the best, strongest law from each state in order to craft a national model law. And we did that so states like Nebraska without a model law could take it as a beginning, or states that had a charter school law but maybe they were struggling to try to figure out how to solve a particular piece of this could, you know, pick up the funding piece or the facilities piece to run this. Of the most recent states that have passed new charter laws, Maine, Alabama, Mississippi, state of Washington, as well as...I know I left one off. No, because I'm almost counting Kentucky because they're supposed to pass a bill this week. They base their laws, you know, wholly or in part off of ours. I want to turn attention, we haven't heard a lot of discussion about the bill that's before you today, so that's what I want to use the rest of my time to talk about. First of all, I want to thank the local coalitions and their willingness to work with us, other national partners. There's just been a lot of voices in this and you've come to

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a really strong bill at this point. The three things that we like the most about this bill is it establishes a statewide authorizer. Yes, it can only improve in certain areas, but we think that's a good first step. And we've heard from Dr. Raymond and others that charters can excel in that environment. LB630 would provide a very strong funding mechanism for charter schools, an area where they struggle very mightily, and we think the requirements on the charter application are strong and set the bar really high for receiving a charter school. Now we heard at the very, very beginning that there's going to be some efforts to amend this bill and I'd just like to briefly talk about what some of those would be: stronger authorizer accountability, holding that authorizer accountable for only authorizing good schools and, you know, really holding them to task for performance; strengthening the school accountability by linking closure to the state accountability system; encouraging the replication of high-performing charter schools. For instance, making it easier if you have a proven school that, you know, is really doing great, maybe they don't have to go through every step of the process. They can, you know, short-circuit that. Requiring performance-based contracts--we hear about accountability, accountability, accountability--require performance-based contracts with the school and then tie closure to whether they hit those or not. In closing, we think this is a really strong bill. It's on a path to being even stronger and we would be very happy to be a partner in that. [LB630]

SENATOR GROENE: Thank you. Any questions? Senator Morfeld. [LB630]

SENATOR MORFELD: Who's a part of the national coalition that you noted that helped with this legislation? [LB630]

RUSS SIMNICK: So from the national side, it's mainly been--I'm probably going to leave somebody out--but it's mainly...there's been a lot of people who support it but it's mainly been the National Association of Charter School Authorizers, NACSA, and us. [LB630]

SENATOR MORFELD: Okay. Thank you very much. [LB630]

RUSS SIMNICK: You're welcome. [LB630]

SENATOR GROENE: Any other questions? Do you know...Senator Ebke, go ahead. [LB630]

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SENATOR EBKE: Yeah. I just...tell us...a lot of the frustration seems to be that public schools are oftentimes doing what they've always done and haven't been able to kind of break the paradigm. Tell us what a charter school classroom looks like or what, you know, what would a typical grade level in a charter school look like? [LB630]

RUSS SIMNICK: That's a great question and I'll get to it. But I want to say it's impossible to answer because charter schools are all individual schools. Now you have networks of school like the KIPP schools, which are very high performing. A KIPP school in Houston will look very much like one in New York. But as far as for the 6,000 charter schools in the country, they are almost 6,000 different flavors. Most of them look very much like a traditional school. Maybe you'll see some differences in uniforms, things like that, teaching methods, but it is all over the board. But the reason for that is because, as just alluded to, charters really do serve niches very well. Whether it's a very structured, almost boot camp, you know, back to basics approach to get kids up to speed or whether it's expeditionary learning or in Indianapolis, where I come from, we have a charter school of 45 to 50 kids that every one of their students is in recovery from drug and alcohol addiction. They partner with the hospital. We also have another school that every one of their students has severe autism and they have deep expertise in how to work with kids like that. So charter schools can be any different kind of flavor so it's really hard to say that they look like that. [LB630]

SENATOR EBKE: Okay. Thank you. [LB630]

RUSS SIMNICK: Uh-huh. [LB630]

SENATOR GROENE: Senator Pansing Brooks. [LB630]

SENATOR PANSING BROOKS: Thank you. Thanks for coming. So if they range on all different types of programs, how do we know what north Omaha needs versus what Santee needs? And have you set up a boot camp-type school in north Omaha but they really needed, I don't know, behavioral health or recovery type? [LB630]

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RUSS SIMNICK: Yeah, that's one of the strongest parts of this bill is that it requires a great deal of information in the proposal for the school, and that's where the authorizer comes. [LB630]

SENATOR PANSING BROOKS: So who decides that? [LB630]

RUSS SIMNICK: The authorizing body in this bill, which would be the commission, be established. So they would look at the bill and say, you know, we really don't have a need for this here so we're going to reject this application. Oh, well, we do have a need for this and you did a great job in Houston and New York and all over the country in it so we're going to approve you. [LB630]

SENATOR PANSING BROOKS: Thank you. [LB630]

SENATOR GROENE: Senator Walz. [LB630]

SENATOR WALZ: Thank you. Can you go back and talk about...you talk about drug rehab and mental health. Can you just repeat that? [LB630]

RUSS SIMNICK: Yeah. The Hope Academy in Indianapolis, kids are...every one of their kids, as they partner with Fairbanks Hospital and every one of their kids is in recovery from drug and alcohol addiction. It costs about \$30,000 a year, maybe a little more to educate those kids. They get the same state funding, federal funding, none of the local funding that any...but they fund-raise a lot of extra because they know that that's what it takes to educate those kids. And they do it in a completely different way too. It's very brain-based learning. The other school I mentioned was Damar Academy, which specializes in educating kids with severe autism. [LB630]

SENATOR WALZ: Okay. And then another question, because I was going to ask this a long time ago and I forgot to, can you tell me, I wrote it down, what are the certification requirements for teachers? [LB630]

RUSS SIMNICK: Most states around the country, they're identical to the certification requirements for any traditional public teacher. Now some states that's different. You know, I

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heard an example earlier that I wasn't aware of, but in Indiana, because we do have shortages in some specialized areas, we can allow up to 10 percent of the teachers in a charter school to not have the traditional certification. However, they still have to pass the national, you know, content test. They still have to have a bachelor's degree in that subject field. So it's not just completely wild west but we do have that because it's, you know, very hard for a charter school to find a physics professor sometimes, but they can go to Butler University and hire the physics professor from there, who is very qualified to teach that. [LB630]

SENATOR WALZ: Uh-huh. All right. Thank you. [LB630]

RUSS SIMNICK: Uh-huh. [LB630]

SENATOR GROENE: So you started one. [LB630]

RUSS SIMNICK: Yes. [LB630]

SENATOR GROENE: So you walk into the room, into a community and you...how do you do it? I mean do you find a building, then you start interviewing teachers? Do you put a team together,... [LB630]

RUSS SIMNICK: Yes, so I had the advantage of... [LB630]

SENATOR GROENE: ...to put a plan together? And how quick are you up and going? [LB630]

RUSS SIMNICK: Yeah, I started a high school but it was already approved. It had already gone through the authorizing process. It just hadn't been opened yet. So, yeah, like Dr. Raymond said, it is, you know, a blank slate. You know, we look at the values of the community. We have a board that wants to help us direct this thing and did. We hire people specialized in curriculum. We hire the best teachers we can find. And it was...you know, our hair was on fire. We were building the plane while we were flying it, but we put it together in less than a year and opened it up with one grade level. Then we grew another grade level. And I have to say that I'm very proud that that is an A rated school that my youngest daughter attends now. [LB630]

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SENATOR GROENE: And how many classes do you have? Kindergarten through 12? [LB630]

RUSS SIMNICK: Now the entire school system is K through 12. And I came in when we were opening up the 9th grade. [LB630]

SENATOR GROENE: And in your state you partner with the public schools? Is it part of the public school system tax? [LB630]

RUSS SIMNICK: So the entities allowed to authorize in our state is we do have a state commission that can do it. Local public school districts can but they choose not to for the most part. Universities can, public universities and private universities can do it, as well as we have the only mayor in the country, the mayor of Indianapolis can...charter schools. [LB630]

SENATOR GROENE: So do you have some of the universities that have started the old-fashioned prep schools? [LB630]

RUSS SIMNICK: Have not seen... [LB630]

SENATOR GROENE: Feeders into their university? [LB630]

RUSS SIMNICK: Have not seen that but the coolest model just opened this year. Our former governor, Mitch Daniels, is now president of Purdue University and he's opened up Purdue Polytechnic charter school. And there were 26 kids that applied and were able to get into Purdue from Indianapolis Public Schools, a district with over 30,000 kids. Twenty-six were able to meet the requirements to get in Purdue. And he said that's just not going to stand, so he opened up Purdue Polytechnic university (sic--Institute) with the promise that any kid who graduates with a diploma from the school will get entrance into Purdue, and that's...it's right in the middle of downtown Indianapolis. I mean it's an urban area. But that's...he is specifically using that charter tool to attract kids that they have huge need to get into his school. [LB630]

SENATOR GROENE: Thank you. Senator Pansing Brooks. [LB630]

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SENATOR PANSING BROOKS: Thank you. So what happens in the rural parts of the state? I don't know if you were here with the discussions that we had earlier about needing extra teachers out there. So if there's a high-need area, then a charter school would go out there and just take teachers away from the current public school or how does that work? [LB630]

RUSS SIMNICK: I really don't know how each individual rural school would do that. But that's one of the best parts about charter schools is that flexibility, because if they're not under a contract that says I have to pay a second year teacher this amount of money, they can say we're going to give a \$10,000 bonus signing fee for a hard-to-find math teacher to come out here and teach. That's a way they can do it within the charter law flexibility. [LB630]

SENATOR PANSING BROOKS: So they can take teachers from the already hurting public school. [LB630]

RUSS SIMNICK: They can take teachers from...I mean teachers are teachers. They could take teachers from a public school, a private school,... [LB630]

SENATOR PANSING BROOKS: Right, but... [LB630]

RUSS SIMNICK: ...anybody with a license. [LB630]

SENATOR PANSING BROOKS: ...what is happening in the rural parts of our nation then with charters? [LB630]

RUSS SIMNICK: Charters are a very small part in the rural part of this nation. [LB630]

SENATOR PANSING BROOKS: Okay. [LB630]

RUSS SIMNICK: I think about 15 percent of charter schools... [LB630]

SENATOR PANSING BROOKS: So this is mostly the big cities (inaudible). [LB630]



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RUSS SIMNICK: Yes, statistically it is. I can point to a great example of a rural school in Walton, Kansas, that partnered with their local district, and it has 100 percent agriculture focus. It is a fabulous school if you were on a visit. [LB630]

SENATOR GROENE: Thank you. [LB630]

SENATOR PANSING BROOKS: So Santee is rural so they're talking about Santee Reservation and that's a rural area, so that wouldn't even be one of the things that we should even be discussing, right? [LB630]

RUSS SIMNICK: So... [LB630]

SENATOR PANSING BROOKS: Just north of Omaha is what we're looking at. [LB630]

RUSS SIMNICK: In this current legislation, it would only go towards the schools that have, you know, struggling schools. I mean it wouldn't be in a... [LB630]

SENATOR PANSING BROOKS: Well, I know Santee is struggling and so that's why I'm trying to ask. So... [LB630]

RUSS SIMNICK: Well, let me give you... [LB630]

SENATOR PANSING BROOKS: ...generally it doesn't go to the rural areas though. [LB630]

RUSS SIMNICK: Generally it doesn't, but it can fit a need out there. I'll leave you with one more example because I know time is short. But we had, in Seminole County, Oklahoma, one of the poorest counties in the entire district or in the entire state, and that is a fairly poor state overall outside of Oklahoma City and Tulsa, and we had a defense contractor named Paul Campbell who begged his local public school to open up or at least feature STEM education there because he could not get people to work for him and live in the community. [LB630]

SENATOR PANSING BROOKS: Yeah. [LB630]

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RUSS SIMNICK: And so he proposed a charter school that just got approved about a month ago that's going to be a STEM academy. He wants to open up six more in rural places and he will find teachers for those somewhere, and I don't think they're all going to come from that local school district because (inaudible). [LB630]

SENATOR PANSING BROOKS: So the problem is that we're going to start siphoning off public dollars from the public schools for north Omaha but then the other schools that are having issues like Santee then don't get the extra help because you're not going to go there. So instead, that pool gets siphoned off. [LB630]

RUSS SIMNICK: But they may. I mean they could. There's nothing preventing them. [LB630]

SENATOR PANSING BROOKS: They might but they...okay. Thank you very much. [LB630]

RUSS SIMNICK: You're welcome. [LB630]

SENATOR GROENE: So,... [LB630]

RUSS SIMNICK: Sir. [LB630]

SENATOR GROENE: ...there's a very successful corporation started by the American Indians Tribe in Nebraska called Ho-Chunk. They could go into Santee where they...and sponsor a charter school. [LB630]

RUSS SIMNICK: Yes, they could. There are, I believe, 39, give or take 1 or 2, schools that are started on Native American reservations around the country, and that doesn't include in Oklahoma where they don't have reservations, like the Cherokee Immersion School. [LB630]

SENATOR GROENE: Yeah. [LB630]

RUSS SIMNICK: It's really a growing sector of the charter movement. [LB630]

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SENATOR GROENE: All right. Thank you. [LB630]

RUSS SIMNICK: Thank you. [LB630]

SENATOR GROENE: Anybody else? Appreciate it. [LB630]

RUSS SIMNICK: Thank you. [LB630]

SENATOR GROENE: Next proponent? We're down to this is the last proponent? You got one more. [LB630]

LEE TODD: Members of the Education Committee, my name is Lee Todd, T-o-d-d is the last name. Senator Groene, I want to commend you. I think you've done a very good job. I like people that have great manners and I thought it was a nice gesture to open it up to (inaudible) the young people there and I think that was good. [LB630]

SENATOR GROENE: And you're wasting your time. Compliments don't (inaudible). (Laughter) [LB630]

LEE TODD: That's fine. I'll get right to the point. I am a product of the... [LB630]

SENATOR GROENE: Thank you, though. [LB630]

LEE TODD: ...education, the public education school. I have six or five other brothers and sisters. I would also say I'm a successful, I believe, product of public education. Of those six of us in the family, three of us went on to be valedictorians. We also, a number of us, went to college. I would also like to say that all of us, except for one--and I haven't queried my younger brother on this--would be supporters of charter schools. So I wanted to talk to you a little bit about why that might be. And also I would like to address Senator Walz's question about why, what's the magic formula. And I think what we bring, and I have two young children at home, one is a 1st grader, one is a 2nd grader, I like to think I look a lot younger than I really am but I think really the contributing factor here is you give parents that ability to choose what they want

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to do. We're really talking about a bill that empowers parents in a way to diversify, have options. And those parents then have the ability to have a significant impact on those schools. They are...the opponents will say, well, you have that in the public educational system. To a degree, but I don't think you can have it in the ability in the way that we have the ability to do this in charter schools. And I think the testimony has shown that. So as a parent, I enthusiastically would look to have those opportunities, and I also would have some concerns. And it saddened me greatly to hear some of the senator here state that this changes nothing. It changes everything when you empower a parent. And there's nobody in the world that looks out for that child more so than that parent does. That's a given. I'd also like to drill down on one economic factor. If you look at the number of students in K through 12, the average class size is about 16.2. You multiply that number by 11,000, you come up with \$178,000 of dollars that are going into that classroom. I don't think there are too many students or too many teachers here that are making, let's say, \$80,000. My question is, what's going on with those...that other \$100,000? The problem with the public school system--and they will argue again and again--that the overhead cost, you take kids out, we still have these overhead costs. The problem is, it is systemically in the public school system that they can never get away from those overhead costs. The very argument they're going to use against this is the argument that should be a proponent. You give charter schools this opportunity to circumvent those overhead costs, do some management things that are different, out of the box, and you will see. You will see teachers getting paid not \$40,000, not \$50,000, not \$60,000 but you will see teachers getting paid a lot more than they are now. And they should be paid a lot more than they are now. [LB630]

SENATOR GROENE: Thank you. [LB630]

LEE TODD: Thank you. [LB630]

SENATOR GROENE: The flattery caught me off guard. Did you give your name and spell it? [LB630]

LEE TODD: Lee Todd, T-o-d-d. [LB630]

SENATOR GROENE: And where are you from? [LB630]

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LEE TODD: I live here in Lincoln, Nebraska. [LB630]

SENATOR GROENE: And your children attend...? [LB630]

LEE TODD: Beattie Elementary. [LB630]

SENATOR GROENE: A public school. [LB630]

LEE TODD: Yes, sir. [LB630]

SENATOR GROENE: And you want opportunity. [LB630]

LEE TODD: We would love an opportunity. I'm not saying we would take it, but I think we would look at it for certain situations. [LB630]

SENATOR GROENE: Thank you, sir. [LB630]

LEE TODD: Thank you. [LB630]

SENATOR GROENE: Did anybody else...? I guess (inaudible). [LB630]

MATT LITT: Chairman Groene and members of the Education Committee, my name is Matt Litt, M-a-t-t L-i-t-t, and I am the Nebraska director of Americans for Prosperity. And on behalf of the organization activists across the state, I urge you to support LB630, which would authorize independent public schools, also known as public charter schools here in Nebraska. Our organization advocates for free speech and free market so everyone can express themselves freely and benefit by benefiting others. School choice creates a market for educational choice. We know that even the best school is not always the best fit for every child and a failing school is not a fit for anyone. Each child is unique and should have an option that fits them and their family's needs. We support education options across the board: traditional public schools, private schools, home school options, whatever is best for that child and family. We advocate for school choice and, as advocates, we have pushed for this public charter school bill for the last four

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years, and happy to do so again. We're a strong proponent of giving every child in Nebraska access to a high-quality education regardless of zip code, income, or socioeconomic status and LB630 is an important step forward in achieving this goal. While other states have been expanding educational choice for children, Nebraska has been falling behind in providing greater options. To date we are only one of seven states without a public charter school law. LB630 represents an opportunity for Nebraska to put the high-quality education within children's reach and find themselves stuck in schools that are not serving their needs. Our organization strongly supports the passage of this bill and we look forward to continuing the conversation. [LB630]

SENATOR GROENE: Thank you. Any questions? Thank you. We return now to the opponents. [LB630]

JEANNETTE EILEEN JONES-VAZANSKY: (Exhibit 12) Good afternoon. My name...or evening, actually. My name is Dr. Jeannette Eileen Jones-Vazansky, J-e-a-n-n-e-t-t-e E-i-l-e-e-n J-o-n-e-s-hyphen-V-a-z-a-n-s-k-y. I'm the president of the Lincoln Branch of the NAACP and I'm here to oppose LB6...I don't know why I had that wrong, sorry, LB630. There's a zero missing. Sorry. I apologize. First let me just say that on October 14, 2016, the members of the National Association for the Advancement of Colored People Board of Directors ratified a resolution that was adopted by delegates at the 2016 national convention calling for a moratorium, that's what the word is, a moratorium on charter school expansion and for the strengthening of oversight in governance and practice. Roslyn M. Brock, chairman of our board of directors, explained, quote: The NAACP has been in the forefront of the struggle for and a staunch advocate of free, high-quality, full and equitably funded public education and for all children. We are dedicated to eliminating the severe racial inequalities that continue to plague the system. This was not a new position. It really led...was a culmination of several decisions, including one in 1998 that opposed the establishment of granting of charter schools, which are not subject to the same accountability and standardization of qualifications/certifications of teachers as public schools and divert already limited funds from public schools. "We are calling for a moratorium on the expansion of the charter schools at least until such time as: (1) Charter schools are subject to the same transparency and accountability standards as public schools." Much of what I heard today seems to indicate that there are certain things that charter schools do not have to answer to. "(2) Public funds are not diverted to charter schools at the expense of the public school system." And

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this is something that's been debated. I can't say what will happen in state of Nebraska, but that is our position. "(3) Charter schools cease expelling students that public schools have a duty to educate." I think Senator Walz asked that question: What happens when students are kicked out and why are they kicked out or why are they expelled? I have not heard an answer to that. (4) Charter schools cease to perpetuate de facto segregation of the highest performing children from those whose aspirations may be high but whose talents are not yet obvious. Let me say that Senator Linehan asked the gentleman from Washington, D.C., why the NAACP has this moratorium, and he said, politics. And I think that was a kind of flippant response and did not really capture the severity of the debate in 2016. I was out of the country but I went to state meetings after and I understand what took place. This was a hard decision. There were people on both sides of the issue and the decision was to have a moratorium until some of these things could be looked into. That is to say that the NAACP, and this is to quote the CEO, is not ideologically opposed to charter schools but they are asking for a moratorium until studies can be done. And I want to urge you to think about that as you consider this bill. And I'm happy to answer any questions about why this was such a protracted debate and we came up with that decision in 2016. [LB630]

SENATOR GROENE: Senator Erdman. [LB630]

SENATOR ERDMAN: Thank you, Senator Groene. Thank you for coming. [LB630]

JEANNETTE EILEEN JONES-VAZANSKY: Thank you, Senator Erdman. [LB630]

SENATOR ERDMAN: I was reviewing the CREDO study here... [LB630]

JEANNETTE EILEEN JONES-VAZANSKY: Uh-huh. [LB630]

SENATOR ERDMAN: ...and my understanding of it is that these charter schools are educating more children of color than anyone else in the nation, and 54 percent students in poverty. They have 35 percent white students, they have 29 percent black students, which is greater than any of the other two on the study. Hispanic students are 28 (percent). There's a great number... [LB630]

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JEANNETTE EILEEN JONES-VAZANSKY: So you're... [LB630]

SENATOR ERDMAN: ...of people of color in those charter schools. [LB630]

JEANNETTE EILEEN JONES-VAZANSKY: Right, disproportionately. But if you're talking...if you're talking about the total population of students of color, most students of color in the United States are in public schools. But if you look at the number, so you have the 49,000, I don't know if I'm quoting those numbers correctly, so please forgive me of the numbers in the column regarding the public school versus I think it's 49 million versus the 1.7 million. Right? Is that correct? [LB630]

SENATOR ERDMAN: No. [LB630]

JEANNETTE EILEEN JONES-VAZANSKY: Is that not the right chart that I'm talking about? [LB630]

SENATOR ERDMAN: Thirty-six million. [LB630]

JEANNETTE EILEEN JONES-VAZANSKY: Forty-six million versus... [LB630]

SENATOR ERDMAN: Thirty-six. [LB630]

JEANNETTE EILEEN JONES-VAZANSKY: ...the 1.7? [LB630]

SENATOR ERDMAN: Thirty-six million in the public schools. [LB630]

JEANNETTE EILEEN JONES-VAZANSKY: And 1.7 in the charter schools? [LB630]

SENATOR ERDMAN: 1.7. [LB630]



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JEANNETTE EILEEN JONES-VAZANSKY: Okay. So that, to me, I think those numbers speak for themselves. The overwhelming majority in terms of numbers of minority students are in public schools. They are not in charter schools. Now... [LB630]

SENATOR ERDMAN: But that wasn't the point I was trying to make. There's a... [LB630]

JEANNETTE EILEEN JONES-VAZANSKY: Okay. You said to me that... [LB630]

SENATOR ERDMAN: ...percentage of students, they can only instruct so many students. [LB630]

JEANNETTE EILEEN JONES-VAZANSKY: Right. Absolutely. [LB630]

SENATOR ERDMAN: 1.7 million. [LB630]

JEANNETTE EILEEN JONES-VAZANSKY: Uh-huh. [LB630]

SENATOR ERDMAN: Out of those 1.7 million, these are the percentages that are of color. [LB630]

JEANNETTE EILEEN JONES-VAZANSKY: Yes. [LB630]

SENATOR ERDMAN: That's what I'm saying. I'm not saying... [LB630]

JEANNETTE EILEEN JONES-VAZANSKY: No. Absolutely. [LB630]

SENATOR ERDMAN: ...the total number of students because they can't teach that many. [LB630]

JEANNETTE EILEEN JONES-VAZANSKY: Right. No, I thought you said total number so, yes, absolutely. [LB630]

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SENATOR ERDMAN: The percentages are greater in private...or in charter schools than it is in public schools for people of color. [LB630]

JEANNETTE EILEEN JONES-VAZANSKY: In those charter schools versus the public schools that they studied,... [LB630]

SENATOR ERDMAN: Yeah. [LB630]

JEANNETTE EILEEN JONES-VAZANSKY: ...yes, that there is a higher percentage... [LB630]

SENATOR ERDMAN: So how can you say they're discriminating against colored people? [LB630]

JEANNETTE EILEEN JONES-VAZANSKY: I didn't say that they were discriminating against color. [LB630]

SENATOR ERDMAN: Well, why would you be against them having charter schools if they're taken care of? [LB630]

JEANNETTE EILEEN JONES-VAZANSKY: Why? I'm sorry. Can I answer the question? [LB630]

SENATOR ERDMAN: Yeah, go ahead. [LB630]

JEANNETTE EILEEN JONES-VAZANSKY: First, I never said that they discriminated against. I said that they have a disproportionate impact--I think that's the beginning of my statement--on low-income, minority students of color in terms of those compared to those who are left in the public school. So even if you look at a place like, for instance, New York City or Harlem, the majority of black students are not at Harlem Village Academy. They're at other schools in Harlem. They're at other PSs, which are public schools. If you look at the public charter schools in Buffalo, New York, in the so-called Fruit Belt district, the majority of black students are going to the public schools. If you look at the percentage of those in the actual charter school, the

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majority of those in the charter school are minorities. That doesn't mean that most of the minorities in the city of Buffalo are going to the public...the charter schools. So what happens to those students who cannot get into the charter school because they have to get in via lottery system? So what I'm saying is that the moratorium was not about saying schools are bad for minority students, charter schools, but that what we're seeing is that the majority of minority students are being left out of that school system. The majority are being so served by public school systems. So the question was, should we support the opening of more charter schools or talk about ways to fix the public school system so that the majority of those students who we claim to speak...we know we speak for but we want to represent are being impacted in ways that make sense. And I think that is the situation, which is why it's not a ban. It's not saying we're against it, but it's a moratorium because there has to be some way to address those individuals who are not able to go to the charter school, if that is the situation, and that seems to be the case according to some of the testimony. But again, I don't think that that has been made clear. Every time and time again, people have been asked for specifics about specific schools where these charter schools will be open and I still am waiting to hear that answer. Where is that? What's going to happen? So if we open a charter school in Omaha, which you know I listened to the testimony, who's going to go and then what's going to happen to those who can't go? I'm waiting for that answer. So I guess that's what I was trying to get at and I think he misrepresented what was going on at that strenuous debate in 2016. [LB630]

SENATOR GROENE: Thank you. [LB630]

JEANNETTE EILEEN JONES-VAZANSKY: Thank you. [LB630]

SENATOR GROENE: Any other questions? I think you made that clear. [LB630]

JEANNETTE EILEEN JONES-VAZANSKY: Thank you. [LB630]

SENATOR GROENE: What you're saying is, and you can tell me I'm completely off here,...  
[LB630]

JEANNETTE EILEEN JONES-VAZANSKY: Uh-huh. [LB630]

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SENATOR GROENE: ...but what you're saying here is by the charter schools we've taken the reformers out of the public schools and allowed them to go over here with the charter schools. And we've left a whole bunch of children behind. [LB630]

JEANNETTE EILEEN JONES-VAZANSKY: If you want to call it reformers, but I think that there's something to be said that the...I mean what... [LB630]

SENATOR GROENE: And you want to make sure the public schools are reforming (inaudible). [LB630]

JEANNETTE EILEEN JONES-VAZANSKY: I want to make sure that the public schools are reformed. I mean... [LB630]

SENATOR GROENE: Thank you. [LB630]

JEANNETTE EILEEN JONES-VAZANSKY: ...if we don't do that, what are we going to do? [LB630]

SENATOR GROENE: Good point. [LB630]

JEANNETTE EILEEN JONES-VAZANSKY: Thank you so much. [LB630]

SENATOR GROENE: Good point. Thank you. [LB630]

CONNIE DUNCAN: Hello. [LB630]

SENATOR KOLOWSKI: Hello. [LB630]

CONNIE DUNCAN: Connie Duncan, C-o-n-n-i-e D-u-n-c-a-n. I am here representing the Lincoln Public Schools Board of Education, where I am a member. I am here because we support innovation in schools. We support a focus on meeting the needs of those students who may have traditionally been underserved. And we support the engagement of our community in

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the day-to-day work of schools. But we oppose LB630. While the bill discusses those goals in its opening sections, it does not require them in the bill itself. In Section 2 of the bill it says that the Legislature finds a benefit in encouraging the use of different high-quality models of teaching, governing, and scheduling. Unfortunately, the bill does not require charter schools provide anything different. The bill does require charter schools to set and report progress on goals, but it does not require the charter school to meet those goals, nor does it require that the goals it sets exceed the public schools' from which it derives its students. The authorizer can let this charter school run on a remediation plan indefinitely. Again, in Section 2 of the bill it says that this will close the achievement gaps between high-performing and low-performing groups of public school students. Unfortunately, the bill does not prioritize access for low-performing groups of public school students. Charter schools could end up enrolling a student body of students who are already on grade level or above. In fact, the bill gives just as much a priority for enrollment to children who would come from private schools never having attended a public school at all. Finally in Section 2 of the bill, it says that a goal of the bill is to provide parents, community members, and local entities with expanded opportunities for involvement in the public education system. Other than actually starting a new school, the actual requirements for parent involvement in the bill are, and I quote, limited to taking part in a measure of parent and student satisfaction and receiving a copy of the annual report. Other than the satisfaction survey, student involvement and community involvement is not listed as a requirement again in the bill except as unnamed involvement written in a plan submitted in the application to start the charter school. Beyond not fulfilling the promises laid out in Section 2 of the bill, LB630's charter schools are missing one very important feature--public accountability. If a community member has a question, they can call me on the phone. I'm their neighbor so they can talk to me. They can stop at the school and speak to an administrator. I am always available to meet with any community member and I pride myself in hearing everyone out, regardless of their views. The bill does not require that the board of trustees is based locally, so a member of the board could actually be from New York. In Section 19 of the bill, it directs individuals with a concern to file a complaint. I would be ashamed to say this to the Lincoln community. I spend countless hours answering e-mails, taking calls, and meeting people who have concerns. I then spend countless more hours researching the problem and then getting back to the community member. Last week I recorded over 20 hours, which I do not get paid for but I enjoy. Find it interesting that LB630 is given the opportunity to sort and select children. Since when are our children products and we get to sort and select

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which ones we want? In closing, what we all want is to serve all children. You elected me to serve all children and that is what I'm here to do. That is what public schools do and that is why we are public schools. Thanks. Any questions? [LB630]

SENATOR KOLOWSKI: Thank you, Ms. Duncan. Senator Linehan, go ahead, please. [LB630]

SENATOR LINEHAN: Thank you. I don't under...I don't understand why you think they sort and choose. Was that the language you used (inaudible)? [LB630]

CONNIE DUNCAN: I did. I did use the sort and choose. So it is on a lottery system but where is the lottery system? Is it in your local country club that you must be a member of? Where is the lottery system? [LB630]

SENATOR LINEHAN: You do understand the bill only affects kids who are zoned to "needs improvement" schools. [LB630]

CONNIE DUNCAN: Yes, I do understand that. [LB630]

SENATOR LINEHAN: So and there would only be a lottery if there were more people that wanted to go to the charter school than could go to the charter school. [LB630]

CONNIE DUNCAN: Right. [LB630]

SENATOR LINEHAN: So it's a pretty limited group of people we're talking about. [LB630]

CONNIE DUNCAN: Correct. [LB630]

SENATOR LINEHAN: So I think you said something about...I didn't quite...from your testimony it didn't sound like you understood that it's limited to children who are zoned to "needs improvement" schools, who are a long ways from an opt-in school,... [LB630]

CONNIE DUNCAN: Uh-huh. [LB630]

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SENATOR LINEHAN: ...most of which are already filled. So they don't really have any choice.  
[LB630]

CONNIE DUNCAN: Correct. I do understand that part of it. I do understand that part of it. I don't understand the lottery part of it. That's what I don't understand. [LB630]

SENATOR LINEHAN: So a lottery is when you get more people who want to, so you have...a lottery is you have more people that want to attend than you have room for. [LB630]

CONNIE DUNCAN: Right. [LB630]

SENATOR LINEHAN: So you put your name in... [LB630]

CONNIE DUNCAN: Uh-huh. [LB630]

SENATOR LINEHAN: ...and you either win or you don't win. It's a pretty standard lottery.  
[LB630]

CONNIE DUNCAN: Yep, it is pretty standard. So those children that weren't picked for that school, what happens to them? [LB630]

SENATOR LINEHAN: Well, they would have to stay in the school they're in or maybe they get another option. I...but this is one option. So since we can't help all of them, we should help none of them? [LB630]

CONNIE DUNCAN: How about if we reinvest all of the money that we're thinking of investing in charter schools back into our public schools? [LB630]

SENATOR LINEHAN: How much money do you think we should invest per student in OPS to make it work? [LB630]

CONNIE DUNCAN: Maybe as much as it takes. [LB630]

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SENATOR LINEHAN: How much would that be? [LB630]

CONNIE DUNCAN: I don't know. I'm not a finance person. [LB630]

SENATOR LINEHAN: Well, I think that's a discussion we have to have. Like everybody says add more, but what is the number? Just... [LB630]

CONNIE DUNCAN: I don't know what the number would be but I did visit the Battle Creek, Michigan, schools where we have another facility and I've never seen anything so sad. All of my employees in Battle Creek, Michigan, have to choose their students to another school. That's what happened because they have school choice there. So the Battle Creek Public Schools are failing, it's very sad, because of school choice, and they could be thriving. And all of my employees come to me and complain about that: Why does Nebraska have such good schools? What can we do to be just like Nebraska? [LB630]

SENATOR LINEHAN: We're not talking about good schools here. That's a red herring. We're not talking about good schools. These are schools the department, Nebraska Department of Education, has found needs improvement. [LB630]

CONNIE DUNCAN: Right. [LB630]

SENATOR LINEHAN: These are schools, when the NeSA scores show proficiency in some of these schools is...most of them is below 50 percent, meaning 50 percent of 5th graders can't read at grade level. These aren't good schools. By that these aren't great. I know we got great schools but we're not talking about those schools here. [LB630]

CONNIE DUNCAN: Correct, and I understand that. And it sounds like, from the last Omaha School Board member, that they're making strides, that they're trying to work on things. [LB630]

SENATOR LINEHAN: Okay, this is a question that is unfair, but it's not really. Would you send your kid to a school where 30 percent of the kids were not proficient? [LB630]



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REGINA WERUM: Yes. [LB630]

CONNIE DUNCAN: Yes, because I would put my faith back into the school board and into the administrators that they would try to fix it. [LB630]

SENATOR LINEHAN: Okay. Thank you. [LB630]

SENATOR KOLOWSKI: Any other questions? Yes, Mr. Erdman. [LB630]

SENATOR ERDMAN: Thank you, Senator Kolowski. Thank you for coming. [LB630]

CONNIE DUNCAN: Thank you. [LB630]

SENATOR ERDMAN: So you're a school board member? [LB630]

CONNIE DUNCAN: I am a school board member. I'm fairly new. [LB630]

SENATOR ERDMAN: That's a thankless job. I was there 16 years. I understand what you go through. [LB630]

CONNIE DUNCAN: You know. [LB630]

SENATOR ERDMAN: I appreciate that. So how long have you been a school board member? [LB630]

CONNIE DUNCAN: This is my second year. [LB630]

SENATOR ERDMAN: Second. Second year? [LB630]

CONNIE DUNCAN: Yeah. [LB630]

SENATOR ERDMAN: Okay. And your kids attended Lincoln school? [LB630]

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CONNIE DUNCAN: Yes, my kids attended Lincoln in their elementary school. In their middle school the twins went to Lincoln Lutheran. And then for high school one went to the regular public school and then they both went to the entrepreneurship focus program, which is one of LPS's focus programs that we have. [LB630]

SENATOR ERDMAN: So I'm not familiar with those. What does that mean? [LB630]

CONNIE DUNCAN: So the entrepreneurship focus program is part of LPS and students would go there to just learn about business. Now we have the career academy that the entrepreneurship focus program is in. [LB630]

SENATOR ERDMAN: And one of your children went to a parochial school? [LB630]

CONNIE DUNCAN: Yep, he went there just for middle school and then high school. [LB630]

SENATOR ERDMAN: Because of...? [LB630]

CONNIE DUNCAN: Faith reasons. [LB630]

SENATOR ERDMAN: Okay. Thank you. [LB630]

SENATOR KOLOWSKI: Any other questions, please? Thank you, Ms. Duncan. [LB630]

CONNIE DUNCAN: You're welcome. [LB630]

SENATOR KOLOWSKI: Welcome, Superintendent Lucas. [LB630]

MIKE LUCAS: (Exhibit 13) Thank you. Thanks for having me here today. My name is Mike Lucas, L-u-c-a-s. I'm superintendent of York Public Schools and I want to thank you for your patience in listening to everybody today. I'm here in opposition to LB630. I wanted to talk about the choice options that we're lucky enough to already have in Nebraska. According to the Department of Education data, we currently have 22,148 students that use their option

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enrollment choice throughout the state. Many states don't offer an option enrollment choice like we do. In little old York, Nebraska, we have option in and out situations with seven different school districts. We also have 37,762 students that use their nonpublic school choice and an estimated 8,290 using their home school choice. So, a lot of great choices, a lot of great public, parochial schools, home schools throughout Nebraska. I'm here to oppose LB630 basically because of the funding mechanism. Taking money away from public schools when we already rank 49th in the nation in the state's percentage of budget that's allocated to education doesn't make a lot of sense to me. If we are going to use state dollars, then I think it ought to be reciprocal accountability. The accountability that York Public Schools has or Omaha North High School has ought to be the same as charter school X, Y, or Z. On the back of my handout I know that, you know, some of the school choice people have become very active and agitated in referring to K-12 public education as the establishment and that we're resistant to change, that we're just trying to protect our easy, cushy jobs, and we don't want accountability. Nothing could be farther from the truth. If you look at little old York, we want to compete and be better than Seward, Crete, Aurora, everybody in our conference more than you can imagine, and they want to be better than us in everything that we do. So we're not afraid of competition, accountability, or change. There has been a lot of change in public schools. This is my 14th year as a superintendent. I started out as a 3rd grade teacher down at Fort Leavenworth, Kansas, and in my 14 years as a "sup." I've seen tremendous changes and improvements, things that we talked about today that people were saying only charter schools can provide: extending the school day, extending the school year with summer programming, lunch programming, robotics, high-ability learning programs. We've changed and improved a bunch and we still have a lot more to do. So on the funding mechanism, we have 1,350 students in York. Let's say a charter school opened up in York and it took 50 students away and you take 50 times whatever the per pupil cost is. We're not going to be able to cut costs by losing three students, four student per grade level. We have the same number of bus routes, the same square footage, and the same staffing needs. So I know my time is up but very quickly I'm originally from Florida and I know Florida is...I love Florida but Florida has gotten a lot of love in recent hearings here and the reason there are some charter schools in Florida, because the public schools in Florida aren't nearly as good as what we have here in Nebraska, so. [LB630]

SENATOR GROENE: Any questions? Senator Linehan. [LB630]

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SENATOR LINEHAN: Thank you, Chairman. And thank you for being here, sir. I'm glad to meet you because I've read your e-mails. [LB630]

MIKE LUCAS: Yes, ma'am. [LB630]

SENATOR LINEHAN: So we have, I think you said, 22,000 kids taking advantage of option enrollment. [LB630]

MIKE LUCAS: Yes, ma'am. [LB630]

SENATOR LINEHAN: So is York a "needs improvement" school? It's not, is it? [LB630]

MIKE LUCAS: No, ma'am. [LB630]

SENATOR LINEHAN: So this...there wouldn't be...with this legislation there wouldn't be any charter schools opening near York, right? [LB630]

MIKE LUCAS: I hope not. [LB630]

SENATOR LINEHAN: Well, it's very clear in the legislation that it's only where we need improvement schools. [LB630]

MIKE LUCAS: Yeah. And that's where it would start and then our concern is where would it go. [LB630]

SENATOR LINEHAN: Well, but the bill is only about "needs improvement" kids. [LB630]

MIKE LUCAS: Yes, ma'am. [LB630]

SENATOR LINEHAN: So we have in...we have 87 statewide, 27-28 of those "needs improvement" schools are in one school district, OPS, most of them east of 60th Street. We had 22,000 option enrollments and I think that's a great program. So I understand this right, so a kid

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opts in from OPS and goes to Westside now, right? Who sends Westside the money for that kid?  
[LB630]

MIKE LUCAS: They...the money... [LB630]

SENATOR LINEHAN: Am I (inaudible)? [LB630]

MIKE LUCAS: ...it's not always money that happens. What happens with option enrollment school, the TEEOSA formula is about resources and needs, okay? And so what happens when you have an option enrollment situation, that will let a student options out from OPS into Westside. Westside, on the needs side of the formula, will gain that student, but that doesn't always equate to actual dollars. It depends on where they're at. Two thirds of our school districts are nonequalized and so... [LB630]

SENATOR LINEHAN: I know but in Westside's case, they get... [LB630]

MIKE LUCAS: Yeah, I'm not familiar with Westside's case. [LB630]

SENATOR LINEHAN: So...but the idea is the money follows the kid, right? [LB630]

MIKE LUCAS: I assume so. [LB630]

SENATOR LINEHAN: So these are, charter schools, are public schools. According to the bill, they have to be public schools. [LB630]

MIKE LUCAS: Uh-huh. [LB630]

SENATOR LINEHAN: Okay. So we let kids opt in and the money follows the kids to all the other public schools in the state, but we shouldn't with charter schools? [LB630]

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MIKE LUCAS: Not if they don't have the same accountability. Not if they don't have publicly elected boards and transparent meetings and all the things that we have in public schools. [LB630]

SENATOR LINEHAN: Even though the schools that these thousands of kids are going to right now are failing them, we shouldn't try something new in those districts. [LB630]

MIKE LUCAS: I think we should...I think we should reinvest and help the schools that are failing become better instead of starting a different layer with charter schools that don't have publicly elected boards and the same accountability that public schools have. [LB630]

SENATOR LINEHAN: How much money do you think we should invest? [LB630]

MIKE LUCAS: A start would be fully funding what the needs part of the TEEOSA formula says. [LB630]

SENATOR LINEHAN: But not the whole state but just these kids right now. The average is I think statewide is about \$11,700. So clearly that's not working for these kids in these schools that needs improvement. So how much do you think additional to \$11,700 we should invest per kid to make these schools work? [LB630]

MIKE LUCAS: I think it depends on the situation. I don't think you can just throw a number out there for Omaha North or Lexington or any other school that may or may not be on a "needs improvement" list. Cost per pupil-wise, that was one of the things about I heard some of the proponent testimony about charter schools, independent public schools, whatever they want to be called. It seems like their cost per pupil can be quite a bit higher because one of the things they tout is smaller class sizes and those types of things. So I would encourage the committee, if they want to take this forward, to look at the components that several folks seem to be excited about with these charter schools and see if you can't replicate that in all the schools. If there's a silver bullet out there, why can't we all... [LB630]

SENATOR LINEHAN: But I think (inaudible). [LB630]

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MIKE LUCAS: ...why can't we all do it? [LB630]

SENATOR LINEHAN: I think we heard from the CREDO lady there's not a silver bullet. That's the issue. [LB630]

MIKE LUCAS: But I mean I...you did a great job, Senator Walz. She kept asking what's different, what's different, and if what's different and we never got a great answer, you know, extend the school day, high expectations, but if we can find out what's different, heck, let's all do that. [LB630]

SENATOR LINEHAN: Uh-huh. [LB630]

MIKE LUCAS: Problem solved. [LB630]

SENATOR LINEHAN: Thank you. [LB630]

SENATOR GROENE: Senator Pansing Brooks. [LB630]

SENATOR PANSING BROOKS: Thank you. Thank you for coming, Superintendent Lucas. It's my understanding that one of the people that spoke earlier was Mr. Simnick, talked about the fact that there's a Hope Academy in Minneapolis that is spending \$30,000 per kid per year. Do you think that would be helpful to some of the kids in north Omaha that are having issues or, I mean, be helpful to anybody? [LB630]

MIKE LUCAS: Sure. Yeah. I mean, yeah, if you want to... [LB630]

SENATOR PANSING BROOKS: I mean so.. [LB630]

MIKE LUCAS: ...almost triple the per pupil cost. [LB630]

SENATOR PANSING BROOKS: Yeah, so that's...I think that's the problem is trying to guess what the amount needed is, clearly, by diluting funds away from the public schools. [LB630]

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MIKE LUCAS: Right. And it's so hard, Senator Pansing Brooks, because in York we have two students that cost over \$100,000 each because of every imaginable need, you know, you can think of. So when you're talking about per pupil cost, you're really talking about staff. And we heard one of the proponents for this bill talk about how four people at this charter school touch a child each day. She said not physically touch but interact. Staffing is what makes a difference with kids in need or kids that don't have needs, to be quite honest. [LB630]

SENATOR PANSING BROOKS: Yes, I agree. [LB630]

SENATOR GROENE: Any other questions? [LB630]

SENATOR PANSING BROOKS: Thank you. [LB630]

SENATOR GROENE: So in York Public Schools, don't at least the student have contact with four different adults a day? [LB630]

MIKE LUCAS: More than that, yes, sir. [LB630]

SENATOR GROENE: And those teachers are just as caring as those three in that charter school, wouldn't they be? [LB630]

MIKE LUCAS: You bet. We have a great staff. [LB630]

SENATOR GROENE: So that's a fair trade-off, isn't it? [LB630]

MIKE LUCAS: Right. Yeah, and that's why I don't...yeah, I didn't find that to be a compelling argument that that's so different than what charters do versus public schools. [LB630]

SENATOR GROENE: You made the point just earlier that it's staffing, that you didn't have that kind of staffing, but you do. [LB630]

MIKE LUCAS: We have. We've cut a bunch of our staff. [LB630]



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SENATOR GROENE: But a student there would have contact with at least three or four educators a day, right? [LB630]

MIKE LUCAS: Absolutely, yes. [LB630]

SENATOR GROENE: All right. So it isn't staffing then. [LB630]

MIKE LUCAS: It's staffing for some situations, yeah. [LB630]

SENATOR GROENE: And then you said \$100,000 for a couple of students. That \$30,000 that Senator Pansing Brooks was talking about was drug...young people and addition. So if you're spending \$100,000 on troubled children, \$30,000 is pretty reasonable, isn't it? [LB630]

MIKE LUCAS: It's \$70,000 less... [LB630]

SENATOR GROENE: Yeah. [LB630]

MIKE LUCAS: ...according to my math. [LB630]

SENATOR GROENE: And you're getting good results with that charter. [LB630]

SENATOR PANSING BROOKS: Good job on that math. [LB630]

MIKE LUCAS: Yeah, public school educated, so (laughter) even though it was in Florida. [LB630]

SENATOR GROENE: No, I'm not...I understand but it all seems to all be about the money and not giving more opportunities for some children in disadvantaged situations. [LB630]

MIKE LUCAS: Yeah. I understand, Senator Groene. And to me the funding part is an issue but it's not all about money. To me it's about a level playing field. If we're going to be asked to compete with charter schools, then let's have the same rules, you know? [LB630]

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SENATOR GROENE: Well, would you...see, one of the big things that nobody wants to talk about too much about charter schools, they can hire and fire. [LB630]

MIKE LUCAS: Uh-huh. We can too. [LB630]

SENATOR GROENE: There's no guarantee...well, I mean they can do it quickly. [LB630]

MIKE LUCAS: Yeah, we do it every year. [LB630]

SENATOR GROENE: And that's one of the...and they can pick their staffing. They don't have to... [LB630]

MIKE LUCAS: We do too. [LB630]

SENATOR GROENE: And they can start from scratch with a whole new staff and not have to retrain a staff. Now if that's good or bad I don't know, but that's an advantage they have. [LB630]

MIKE LUCAS: Yeah. And we hire and fire, evaluate every year, have very difficult, awkward conversations and have people improve their performance and... [LB630]

SENATOR GROENE: That's why you get the big bucks, isn't that right? [LB630]

MIKE LUCAS: You bet. [LB630]

SENATOR GROENE: Thank you. I understand. [LB630]

MIKE LUCAS: Thank you, all. [LB630]

SENATOR GROENE: Could I ask how many more want to testify? One, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve. All right. Twelve times three is two hours. (Laugh) That's fine. Everybody is going to get a fair hearing. [LB630]

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JACK BANGERT: (Exhibits 14 and 15) Jack Bangert, J-a-c-k B-a-n-g-e-r-t. First of all, thank you for still being here. Senator Erdman, tell your son, Phil, hi. He lived on my floor in Burr Hall back in the day. I'm here mainly just to add. I'm a teacher in Omaha, in Omaha South High School, the schools that everybody is talking about, and you haven't heard from a teacher, maybe one, who actually works in these places you're talking about. I'm also probably one of the only people in the state of Nebraska that can say they ran a charter in Nebraska but it wasn't called a charter. It was on the down-low and it was run out of the basement at South High School. It's called the dual language program. We had pretty much...the gentleman that testified, the proponent, our demographics were even tougher than his. We didn't get quite as many of our students to go on to a four-year school. We only got 80 percent instead of 90 percent, but we had a 99 percent graduation rate, which was better than his--again, south Omaha, Omaha, Nebraska. And if I would have been testifying before you five years ago, I probably would have been sitting in the proponent side. Something happened. I realized that they do take the cream of the crop in the charters and here's how it works. And the guy from O'Neill hit on it, but he doesn't have experience in it so when he got pressed on it I think he was a little uncomfortable. Here's what happens. You assume that all parents are going to opt their kid in; that they know. Uriel actually hit on it when he was talking to you. His parents would have no way of knowing these things, so you have to have a very aggressive way of going out and marketing your school to those communities. So let's say that we get Uriel's parents and all these other parents involved and they sign in. What about the parents that you all don't talk about? I mean I'm going to put the white whale right on this table right now. We are in crisis in this state. Our families are in societal meltdown in some places in this state and it's in North Platte, it's in Crete, it's in Bayard. You know who these families are, right? So who is going to bat for these kids? It's people like me, quite frankly. There's others of us. Now one of the things I've worked on over the last three years, I left that program to study why do kids...why are they successful and there's something called childhood trauma. And if you...all of you on this committee do not know what childhood trauma is, I gave you a packet. You can see it. I also gave you a student essay and it's not a typical student but not an exception either. This is written by a student at South High School. Ask yourself, how does she get into the charter? I'll answer it for you. She wouldn't. She wouldn't get in. She's stuck with us--South High. You've asked many times what could we spend more money on. I'll tell you right now what you can spend more money on--mental health services for our kids, if you want to keep them out of prison and you want to end the school-to-prison pipeline.

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They're dying and we have nothing for them. We have social workers in our high school but we have none in our elementary. Now you tell me how that makes sense. So really I'm here to give you a choice: spend on the front end or you're going to pay triple to quadruple on the back end. I grew up on a farm in Nebraska. I get rural Nebraska. I ended up in Omaha on accident (laugh) and I'm glad I did because I think that we're doing good work. But we need your help to continue our research, because with this trauma stuff we're on to something. And everybody is talking about poverty. It's not poverty. Give me a poor kid with two parents and we'll get them to college, guaranteed. I don't care what color you are. If you got parents, I can help you, just somebody who cares about you. But you don't realize how many kids have nobody, nobody, and you all are just quiet about it. My union, I don't represent my union or my district. I am here as a Nebraskan who's worried. One out of three children in this state last year were born with Medicaid dollars. Nationally, it was one out of two. If you hate entitlements, we can't fail. Thank you. [LB630]

SENATOR GROENE: Any questions? Senator Walz. [LB630]

SENATOR WALZ: Just a question. Thank you, Chairman Groene. So just, number one thing that needs to be done, number one,... [LB630]

JACK BANGERT: Number one. [LB630]

SENATOR WALZ: ...in your mind. [LB630]

JACK BANGERT: Mental health services for our kids and we need to address the trauma. We have to create trauma-informed schools. First of all, I invite every committee member to my office at South. I'm trying to do in three minutes what usually takes three hours if I rush. I feel like I'm just not even doing it service. I'm throwing this stuff at you. You've heard poverty and race and all these things. It's a lie, because if it was poverty, if we just threw more money at it, give people free stuff, we'd be great. Tried it; hasn't worked. All right? If it was race, how the heck do you explain Barack Obama being President of the United States? Now I'm not saying racism doesn't exist. It does. I see it every day. Okay? That's not what I'm saying. What I'm saying is if we have systems that actually work: charter, public, whatever. And my whole point is this charter thing is a scheme. It's nothing. How many teachers have actually testified today from

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Nebraska? That bothers me. We can fix this problem. We are leaders, not followers. And I think the charter scheme, whatever, I don't want to call it a scheme because there's some (inaudible) that do good work. But we need to fix this as a state. So mental health. The second thing I would do, too, you guys aren't...they're not off the charts when they say we need accountability. Name me another business, all right, or organization where the clientele has no say in the performance of their services. For example, my wife is a PA. Her patients fill out surveys on her, customer service surveys. I'm a high school teacher. My kids can totally tell me if I'm doing a good job. Nobody even asks. (Laugh) That's crazy. I do a deal in my class. I teach for UNO. I'm an adjunct, Intro to Ed. Raise your hand if you have a job. All my kids raise their hand, right? Now keep your hand up if you've never seen anybody get fired. Guess whose hand is still up? Mine. Mine. And that doesn't mean that high school teachers are terrible. This is my spring break and I had to sit through this all afternoon, right? (Laughter) I got a sick kid at home. I'm doing it for my kids, all right? But charters are not the answer. They're not the answer. We need better leaders. We need more innovative leadership and we need to start getting to the root of the problem, which is kids need parents. How many of you would farm out your children's future to your teachers, no matter how great they are? Not me. My wife and I are going to take care of our kids. The school supplements what we do. And that's the problem. Sorry, long answer to a short question.

[LB630]

SENATOR GROENE: Any other questions? [LB630]

SENATOR WALZ: No, thank you very much. [LB630]

SENATOR GROENE: Any questions? I have a question. [LB630]

JACK BANGERT: Shoot. [LB630]

SENATOR GROENE: Theoretical. Kid is abandoned by his father. [LB630]

JACK BANGERT: Happens a lot. [LB630]

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SENATOR GROENE: Kindergarten teacher hugs him. Kindergarten teacher abandoned him. Shows up next year, he's got a new teacher, gives him a hug, loves him, they abandon him. When does he...who does he trust no matter how much caring there is? Well, teachers will never replace parents. [LB630]

JACK BANGERT: That's right. [LB630]

SENATOR GROENE: All right. So how did we get here? Most of those parents are public school alumni, so how did we get here? [LB630]

JACK BANGERT: It's a cycle and it builds. Remember, I don't want to say poverty is the issue. I don't believe that and that's just...my research tells me that until I see different, okay? But what it is, is when we start looking at trauma at our school, now my research, they won't let me ask all these questions, I would...I could prove that trauma is really what's driving student achievement if they'd let me into Elkhorn South, and here's why. Omaha South and Elkhorn South are probably two of the least diverse schools in the state of Nebraska. And you might be laughing. You might be, what? Well, if you only look at this: Elkhorn South has 3 percent free and reduced lunch; we have 89 percent depending on the day. All right? So if I'm right and it is trauma...and I give this survey which I gave to you. If you read my full testimony, it's a lot more organized. I'm tired and I want to go home just like the rest of you. But there's a ten-question survey in here. It's called the ACEs. And also, I gave you this which has charts that show how, as the ACEs go up, it's not just...nobody has connected this to academic achievement yet but it's been connected to health and psychological needs of students. All right? There's a bunch of fun facts in here. Again, come to my office and just listen. Let me walk you through it because I'm telling you we know that kids who experience these traumatic events, ten things, simple yes or no questions, when you hit a four or higher with yes on this, everything goes to pot. Suicide rates like triple or quadruple. And what is the effect of this, though, on school? This is what we're trying to find out at South High, a public school, by the way. Right? Title I money pays for me to look at this. We're trying to find real answers that work everywhere because if we can do that this whole smoke screen that we've been sitting here for today goes away, and it helps you and it helps everybody in western Nebraska, Lincoln, Omaha, because this is color-blind and income-blind. I'm telling you, I feel like Galileo telling people (laughter) that the sun goes around the Earth,

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because people hear me talk and like, oh, my God, I've been told it's poverty. No, I'm shifting the paradigm. Read this, please. Ask questions. Come talk to us. I'm not saying I'm right but I'm just saying that what we've been doing, including charters, if charters really worked we wouldn't still be here. Everybody is like, let's do it, done. Forty-three states or whatever have done it. Why is there so much controversy? [LB630]

SENATOR GROENE: And keep more doing it. Go ahead, Senator Pansing Brooks. [LB630]

SENATOR PANSING BROOKS: Thank you. Thank you for coming, Mr. Bangert. You're inspiring. [LB630]

JACK BANGERT: I hope so. You know it's funny because I wouldn't even be here. My students said, Bangert, you need to go talk to these people. (Laughter) So you guys are probably thinking when Uriel was up here--he's a former student of mine: Oh, that guy must have coached him. It's the other way around. They're like they need to hear you. So it's a credit to the great kids I work with in south Omaha. I'm sorry. Go ahead. [LB630]

SENATOR PANSING BROOKS: No, that's great. That's really exciting. So what about once you find out about these trauma-informed issues then... [LB630]

JACK BANGERT: If they'll let me. (Laugh) [LB630]

SENATOR PANSING BROOKS: ...then what? Then what? How are you able to direct your educational prowess? [LB630]

JACK BANGERT: Oh, you should come. You should come see me. We've got a... [LB630]

SENATOR PANSING BROOKS: I am going to come and I (inaudible). [LB630]

JACK BANGERT: I'm telling you I want you all to come see me because we've created a huge database. We are the biggest high school in the state of Nebraska and my principal told me there's no way, Jack, you can track all of this on these kids. And that ticked me off. I think this

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can. It's football coaching me. So we sat down and we created a huge Excel spreadsheet. Now you know, being a former superintendent, that the data that we collect in our schools, all right, goes into these programs. But they don't analyze anything. They just spit out gobs of information. So my job literally, and my students will tell you this, I sit behind a computer three days a week typing in numbers for 1,825 students as of last Friday, everything--are they on the football team; what's their race; are they free and reduced--any metric you could imagine. And in that Excel spreadsheet we can press a button and say how are our black males doing in terms of graduation; are they on track to graduate? What's their attendance rate? What percentage of our kids have missed ten or more days of school? And this is...we can plug this in. If I can get OPS to let us continue to do this, because they freaked out. They're like, oh, we can't tell parents they're not doing a job. The politicians will kill us. I said that's not what we're doing. This is a health survey and it's been shown for 30 years, if you look into it: CDC, Kaiser Permanente. They have 30 years of data on this ten-question survey. And I can say, no, I'm not trying to make a values judgment. I want you to live longer. I don't want you to have double the chance of lung cancer. We know that these traumatic incidences in kids can actually recode their DNA. They don't teach that in college yet. Now they're starting to because I keep bugging the people at UNO. I'm like, hey, this is the future. All right? So I'm not saying I'm right. I mean I might be totally wrong. But, shoot, we got to do something. [LB630]

SENATOR GROENE: Thank you. Thank you. [LB630]

JACK BANGERT: Thank you. [LB630]

SENATOR PANSING BROOKS: Your students are happily smiling behind you. [LB630]

SENATOR GROENE: (Inaudible.) [LB630]

JACK BANGERT: Yeah, they're probably like, yeah, look what we did; we got him out of his box. [LB630]

SENATOR GROENE: And you're evidence that the Teacher of the Year sometimes don't get the plaque. [LB630]



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JACK BANGERT: Oh, no, I don't deal for that. See, I was a farmer. I'd rather be back home raising my cattle. But I tell you what, this is a lot more important, so thank you. [LB630]

SENATOR WALZ: Thank you. [LB630]

SENATOR MORFELD: Thank you. [LB630]

SENATOR PANSING BROOKS: Thank you. [LB630]

SARA NASH GNARRA: (Exhibit 16) Chairman Groene and members of the Education Committee, my name is Sara Nash Gnarra, S-a-r-a N-a-s-h G-n-a-r-r-a, and I represent myself. I'd like to thank the committee for listening to my testimony today. I've spent 12 years of my life dedicated to teaching the future of the Omaha community in the Omaha Public Schools. And I'm a proud supporter of the public schools and oppose LB630. In 2004, I accepted employment at the Omaha Public Schools as a full-time art education specialist. Because of my subject area, I have worked at four OPS elementary schools in each different parts of the city, which also brought along many different challenges. In 2007, I decided to move to Chicago, Illinois, to pursue a higher degree. My plan was to teach and go back to school. It was a struggle to get my foot in the door at the Chicago Public Schools. The arts weren't as apparent in their elementary schools as they are in OPS. I still applied everywhere I could, which include some of the city's charter school networks. I did my research on charter schools and thought that this could be a great experience for me: a school with more freedom from testing, more fine arts. I was excited even though I had received warnings and criticism from other educators. At my school, they were hiring an entire staff except for two teachers. I found this odd that there was so much turnover but I was still determined to make it a good fit for me. Throughout the trainings I realized that the school within the charter network were hiring new staff in almost all of their positions. Why didn't people want to work there, I thought. How can a school help its neighborhood and its community if they are constantly hiring and turning over teachers? In some states teacher turnover in charter schools can be twice that in the public schools. Something they didn't quite make clear to me in my hiring at the charter school was that since I held a teaching certificate I was going to be asked to do a lot more than I felt comfortable doing. I ended up being a 1st grade reading teacher, an ESL teacher, a 7th grade counselor, a substitute, a special

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education interventionist, an instructional coach. I had to administer state tests because there was not enough staff, including the director, had certification. Lastly, I taught art when I could. I left work feeling emotionally drained and guilty that these kids were not getting what they needed--a well-rounded education from the best trained professionals. The charter school I worked for had a 31:1 student-teacher ratio; lacked a certified principal, a nurse, a speech pathologist, a school psychologist, a guidance counselor, an occupational therapist, physical therapist, audiologist, special education teachers, ESL teachers, instructional facilitators, gifted programs, librarians, music teachers, behavior specialists, mental health counselors, after-school programs, paraeducators, band and string teachers. The lack of services is how they weeded out certain students. My time was short at the charter school, along with the other hires that were at the new-hire banquet. They didn't want us to make a career out of teaching. They wanted a few solid years out of us and then for us to move on. Out of all the people I met in the charter network, not one still teaches at the charter school. I thought that I would be (sic--see) more innovation in the charter school; it was the opposite. Everyone was told to do the same teaching techniques. We don't need more choice. Our current system offers a myriad of choices for our families. Choice does not guarantee quality and it has not solved any problems facing education. I urge you to support our existing schools that offer an education to all, not just the cherry-picked students. [LB630]

SENATOR GROENE: Thank you. Any questions? Senator Ebke. [LB630]

SENATOR EBKE: Yeah. One of the problems that I'm struggling with here, one of the things I'm struggling here with is that we hear examples like yours of charter schools that are apparently doing a really bad job, okay? So should we then say that because one charter school is bad that all charter schools are bad? [LB630]

SARA NASH GNARRA: No, just like you can't say that about the public schools. [LB630]

SENATOR EBKE: Exactly. I mean so it makes it...so that's the problem that I have. I mean I come from a school district, I was on a school board for 12 years and I know that not all public schools are bad, even though we know that some are having real problems. So I guess I have a little bit of a problem when we have people come and tell us about the charter school that's bad

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that suggests that because of that all...we shouldn't be even thinking about charter schools.  
[LB630]

SARA NASH GNARRA: I will say our biggest rival was KIPP. And they're still open, the charter school I worked for, is still open even though they have been convicted of tax fraud.  
[LB630]

SENATOR EBKE: Right. [LB630]

SARA NASH GNARRA: I'm just putting that out there. (Laugh) [LB630]

SENATOR EBKE: Okay. But...I mean and the problem I've still got here is that because you've got the one problem or two problems or whatever it is, I mean we've got...should we demonize all of the schools at OPS because you've got, I don't know, 20 or however many schools, how many,... [LB630]

SENATOR LINEHAN: Twenty. [LB630]

SENATOR EBKE: ...20 schools that are in the "needs improvement"? I mean should we say that OPS should just shut down? [LB630]

SARA NASH GNARRA: No. [LB630]

SENATOR EBKE: That we should...and so I mean...so I mean that's where I'm running into problems with some of the folks who suggest that charter schools should be...shouldn't be considered because of one or two instances. [LB630]

SARA NASH GNARRA: Well, I guess my point is, can we guarantee that these independent schools will have mental health counselors, 7th grade counselor? I was the counselor for my 7th grade girls at this charter school and I don't believe--and it goes back to your certification bill that we had before this--I don't believe I was trained to do that as a professional. And I believe

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that our kids in our society need trained professionals to help them with their mental problems.  
[LB630]

SENATOR EBKE: You won't find disagreement with me there, but I mean the problem is, I mean how do we...how do we put that...how do we say that the kids in north Omaha or south Omaha or wherever there's problems are not having...are somehow not entitled to the same quality that the kids in...at Buffett Middle School are getting, for instance? [LB630]

SARA NASH GNARRA: They do. They should have that same quality. [LB630]

SENATOR EBKE: I think demonstrably though they're not when you've got schools that are routinely being identified as needing improvement or whatever the standard is compared to the schools...the public schools that are having problems...are not having problems that are being shown as being, you know, what's the standard, need...excellent or...? [LB630]

SENATOR GROENE: Need improvement. [LB630]

SENATOR EBKE: Well, I mean you've got the "needs improvement" and the... [LB630]

SENATOR KOLOWSKI: (Inaudible.) [LB630]

SENATOR ERDMAN: (Inaudible.) [LB630]

SENATOR EBKE: Uh-huh, great and excellent or whatever it is, yeah. [LB630]

SENATOR \_\_\_\_\_: That's what it is. [LB630]

SENATOR EBKE: I am...yeah. Okay. [LB630]

SENATOR GROENE: So does anybody else have a question? So you teach in OPS. [LB630]

SARA NASH GNARRA: I teach in OPS now, yeah. I came back. [LB630]

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SENATOR GROENE: Are you a middle school teacher? [LB630]

SARA NASH GNARRA: I'm an elementary school teacher. I teach for a magnet school called Western Hills. [LB630]

SENATOR GROENE: What's your stance on OPS board trying to start an alternate middle school? Why? I mean we hear that let the school solve it. Let the schools have it. Let Susan Buffett come into the public schools and create basically charter schools with cooperation with the public schools. And then the public school board wants to start an alternative middle school and the union says no. [LB630]

SARA NASH GNARRA: I believe that they should start a alternative school for middle schools. If anything, we need more of those programs. [LB630]

SENATOR GROENE: So you're for that as an individual teacher within the public school system. [LB630]

SARA NASH GNARRA: Within the school system. I mean I think we have...there's Blackburn, there's other alternatives in high school. There's nothing for elementary and middle school. [LB630]

SENATOR GROENE: I understand. [LB630]

SARA NASH GNARRA: And I think we, as a district, can support that and I think we have the...we have behavior specialists in some schools. We need more of those people. [LB630]

SENATOR GROENE: Good. Talk to your association and tell them you want them to support that then, because it sounded like from... [LB630]

SARA NASH GNARRA: They support it. They don't support a private entity coming into the school district and running it. [LB630]

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SENATOR GROENE: Was OPS planning to bring in... [LB630]

SARA NASH GNARRA: Yes, they were. [LB630]

SENATOR GROENE: They were bringing in. [LB630]

SARA NASH GNARRA: They were going to bring someone outside of the district to come in and start that alternative elementary school. That is why the union was against it or the association was against it. [LB630]

SENATOR GROENE: But it was going to be controlled by the school board, right? [LB630]

SARA NASH GNARRA: I don't know the answer to that question. [LB630]

SENATOR GROENE: Thank you. Thank you. You cleared something up for us. Appreciate that. Any other questions? Next. [LB630]

REGINA WERUM: (Exhibit 17) Good evening, everybody. My name is Dr. Regina Werum. I'm a Lincoln resident, proud LPS parent of a Prescott Panther, a school you all consider failing, which is funny to me having lived elsewhere in the country. And I'm here to give testimony that has been signed by about 30 of my colleagues from UNL. Today we're here to signal to our Legislature and to the Governor that we love public schools and oppose LB630. All of the signatories to this statement are new Nebraskans, having been recruited here to work at the state's flagship public university, teaching and training the next generation. Some of us are immigrants from other countries. Others have come from the far corners of the United States to live and work here. The quality of Nebraska's public school system is one of the major attractions for families with children and a major recruitment tool for employers. All of us have children in the LPS system. We feel strongly that our own and our neighbors' children have benefited immensely from our outstanding public system. Many of us have lived and worked in other states whose public school systems have been gutted by seemingly well-intentioned efforts to privatize not only parental choice but public education, per se. The overwhelming empirical evidence, I'm not talking anecdotes, shows that privatizing education increases inequality in

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opportunities and in outcomes. Research shows that charter schools increase "hypersegregation," extreme segregation, between schools and even between districts by social class and by race. This undermines our communities. Moreover, charter schools overall do not improve student performance, on the contrary, nor are they a fiscally conservative or even sound approach to meeting one of the state's constitutional obligations, contrary to what the Governor appears to think. Just look at what has happened in Kansas and Ohio. Nebraska's public school system excels at serving a very broad set of constituents from children of refugees newly arrived in the country to Ph.D.s across the gamut of professions and STEM fields. The prosperity of our states depends heavily...of our state depends heavily on its ability to recruit workers at all levels and in all sectors, including skilled workers in well-paid occupations--think property tax base. Ask any employer, public or private, starting with those representing the Silicon Prairie. Ask leaders of government agencies whose mission is to optimize tax revenue and investments in rural and urban communities across the state. And if you think we need not recruit any more newcomers to Nebraska, just ask employers, healthcare providers, and yourselves about the impact of an otherwise aging population on the state's well-being, economic and otherwise. We strongly urge our elected representatives to support Nebraska's public schools and the families and communities they serve. Please oppose LB630 and other efforts to introduce charter schools or related privatization initiatives. [LB630]

SENATOR GROENE: Thank you. Any questions? Senator Pansing Brooks. [LB630]

SENATOR PANSING BROOKS: Thank you, Professor Werum. You said that you're a parent of some kids at Prescott, which is one of the... [LB630]

REGINA WERUM: Yes, Prescott Panther. [LB630]

SENATOR PANSING BROOKS: ...one of the failing schools. [LB630]

REGINA WERUM: Yes, which makes me laugh. [LB630]

SENATOR PANSING BROOKS: Okay. [LB630]

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REGINA WERUM: Having lived in no less than maybe a handful of states across the country, and I'm an immigrant myself, proud dual citizen, my son attends a school that allegedly is failing, and I urge all of you go visit Prescott. If this is what you consider failing, then we've got bigger fish to fry. [LB630]

SENATOR PANSING BROOKS: And why is it considered failing, because I've been there and I didn't realize (inaudible). [LB630]

REGINA WERUM: I can tell you why, because the NeSA test, which are about as meaningless as the crows feet I'm growing (laughter), the NeSA test doesn't give you an accurate portrayal of what goes on in a school. So if you look at Prescott, just about 600 kids, mas o menos, 19 languages being spoken, 19. We're not talking two populations of Spanish and English speakers. We're talking 19 linguistic communities, a significant proportion of kids with childhood trauma related to being refugees. Now add immigrant kids who now are afraid of having their parents yanked from them. Now that is a daily trauma that none of us want to imagine, most likely. Add to that, I know I think it's about 70 percent, I could be wrong on that, free and reduced lunch. So we have a multiplicative problem. We don't have a single problem. It's not that poverty does it or ELL does it. It's the combination of being poor, of experiencing food insecurity, homelessness, and not knowing whether you're going to find your parents wherever you're staying at the moment when you come home at the end of the day. And we expect kids to excel at the NeSA? That can't be the measure of success. So for all intents and purposes, the community that Prescott serves and I'm proud to be part of that community and, yes, I should...my son should be going to a different, much better performing public school because of my residential address. I optioned into Prescott on purpose because that is the real world and that is how I want my son to grow up. Does that help? [LB630]

SENATOR GROENE: Any other questions? [LB630]

SENATOR PANSING BROOKS: That is correct that you did option in because I know from your address what school your kids would normally go to. So I guess, you know, listening to you say that the NeSA test is not of value, there has to be something that tests kids and something that (inaudible)... [LB630]



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REGINA WERUM: It's a blunt measure. [LB630]

SENATOR PANSING BROOKS: ...reading or something. So what would you suggest instead of NeSA? [LB630]

REGINA WERUM: I, frankly, find the (laugh) predictable scheduling of weekly spelling tests and DCAs a lot more meaningful. I get a lot more meat from my student and also from his teachers in terms of their everyday experience as a school rather than an highly anxiety producing test that, frankly, doesn't tell me anything that the DCAs don't tell me. My son learns more from doing his yearly science fair project, both in terms of writing, in terms of science, in terms of organization, in terms of teamwork. He learns more from something like that than he learns from preparing for the NeSA for three months. [LB630]

SENATOR PANSING BROOKS: I would agree with that. Thank you. [LB630]

SENATOR GROENE: Any other questions? Thank you. Next. [LB630]

TAMMY DAY: (Exhibit 18) Good evening, Senators. Have to take off my glasses now to read, which is a 44-year-old problem I didn't have before. My name is Tammy Day, T-a-m-m-y D-a-y. I am here from Norfolk. My husband and I own a small business there. And I, like you, am a locally elected official. I serve on the Norfolk Public Schools Board of Education. And I'm here, as you know, in opposition to this bill. I believe this bill is not good for Nebraska for many of the reasons listed because it will weaken our public schools by taking resources away, as been stated before, from already underfunded school budgets. In Nebraska, I believe we have school boards who are governed by fiscally conservative people who have very strong connections to their communities and those people have a strong vested interest in the success of their schools because that is where they live and work and raise their families. These people, like me, are elected by their communities to provide guidance and oversight at the local level. We're held accountable by a vote, just like you, and have to answer to our peers for the use of the public funds that our schools receive. This is not the case in the legislation being proposed. Charter schools are not a good fit because of that, because they operate outside the control of locally elected boards. And yet, they receive public funding. This lack of accountability could create an

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environment that allows for waste, fraud, and abuse, and I believe Nebraskans do not want a system that takes public money out of public oversight and where their communities don't have any say over what happens in their districts. In addition to serving on the board, as I mentioned, my husband and I own a small business. We employ over 60 people, most of whom are graduates of public schools, and we serve customers all over the world. I believe we have a competitive advantage because of this high-quality work force that we have in our community and I believe, too, that anything that threatens public school is a threat to our business and the future growth of our business. I think there are a lot of Nebraska businesses out of Lincoln and Omaha and within Lincoln and Omaha, but I live more outstate, who are dependent on the public school graduates that they have in their communities to stay there, who want to live and work there, and who provide good, quality services in their businesses. I know schools aren't perfect. There's always more to do. But the answer to these challenges, as you've heard, is not in defunding them or taking taxpayer dollars out of taxpayer control. Instead of having another strain on already tight school budgets, I would love to see efforts to focus on early childhood education, extended learning opportunities, career pathways, and preserving things that are already working. In Nebraska, public education works. We have school choice in abundance. We are fiscally conservative and we care about local control and oversight. I would hope that you would vote no on this bill and continue to support the great public education system we have in the state. Thank you. [LB630]

SENATOR GROENE: Thank you for your testimony. [LB630]

TAMMY DAY: Thank you. [LB630]

SENATOR GROENE: Any questions? Thank you. [LB630]

TAMMY DAY: Thanks. [LB630]

SENATOR GROENE: Thanks for your service. [LB630]

TAMMY DAY: Thank you. You too. [LB630]

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JANE HOLT: (Exhibit 19) Hi. My name is Jane Holt, J-a-n-e H-o-l-t, perhaps the most boring name to have ever been spelled in here. (Laughter) I am a Christian and a taxpayer. I live in a neighborhood in which the vast majority of school-age children walk to the Catholic school just around the corner from me. I love that these neighbors have a choice for where to send their kids. I also love that those neighbors who have children with special needs know that their kids will receive additional services from the public schools even though they go to a private one. How many kids? This year alone, Lincoln Public Schools is providing these important community services: special education support to over 250 nonpublic school students, education for 40 homebound students not enrolled in public school, and reading and math support to 624 low-income nonpublic school students. Those are amazing statistics that highlight a magical relationship between public and private schools, something rightly required by law and funded by our tax dollars. As someone who is beholden both by my faith and by my profession to take care of the least of these, I am deeply concerned about LB630. Small private schools typically don't have the funds or the faculty to take care of the least of these. That is where support from the public schools comes in. If money is funneled away from traditional public schools into private or so-called independent schools, how on earth will anyone be able to educate and care for the least of these, an expensive endeavor, more or less all of the others? And how does a much smaller charter school help fix a much larger failing school it purports to replace if there's not room for everyone there? We already have a great partnership going in this state--quality schools, school choice, powerful collaborations--and I think this bill threatens all of that. So for reasons both religious and financial, I believe that LB630 is a bad idea and I ask as you consider this bill to consider it through the lens of the least of these. We are, after all, a state whose motto is "Equality Before the Law." Thank you. [LB630]

SENATOR GROENE: Thank you. You had the best three-minute speech so far. [LB630]

JANE HOLT: Oh, thank you. [LB630]

SENATOR GROENE: So you...what town do you live in? [LB630]

JANE HOLT: I live in Lincoln. [LB630]

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SENATOR GROENE: Thank you. [LB630]

JANE HOLT: Uh-huh. [LB630]

SENATOR GROENE: Senator Pansing Brooks. [LB630]

SENATOR PANSING BROOKS: Thank you. Where did you get these stats, Ms. Holt? [LB630]

JANE HOLT: I contacted Lincoln Public Schools and asked to be provided with numbers for the students they provide support for who aren't public school students. [LB630]

SENATOR PANSING BROOKS: Those are amazing numbers. [LB630]

JANE HOLT: I thought so too. I was really surprised. [LB630]

SENATOR PANSING BROOKS: Thank you very much for bringing them. [LB630]

JANE HOLT: Yes. Sure. [LB630]

SENATOR GROENE: You know every charter school is different. The way this model is set up, they would be actually an independent public school and they'd have to take all comers. [LB630]

JANE HOLT: Yeah, I hope so. I hope so. [LB630]

SENATOR GROENE: It wouldn't be like private parochial schools who could turn some away. So they would be under the same rules as the public schools to take every student that puts his name in for the lottery and gets drawn. [LB630]

JANE HOLT: I've really learned a lot tonight. One of the things...that's, I guess, why I added the line. If a charter school, most of them talked about schools that were 200 or maybe 300 students, and I think about I don't know how big Omaha North is. I imagine it's 2,000. And so suddenly you have a school opening to address a problem for 2,000 students and 10 percent of the

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population would fit in that new school. So I thought, wow, you've got 1,800 students, many of whom probably still have problems that aren't being addressed by a school that's too small to help them all. [LB630]

SENATOR GROENE: Thank you. [LB630]

JANE HOLT: Uh-huh. [LB630]

SENATOR GROENE: Senator Linehan. [LB630]

SENATOR LINEHAN: Thank you, Mr. Chairman. So clarify, a lot of people don't understand this but I just want to make sure you do. The state of Nebraska and the federal government both give schools money for special ed education. [LB630]

JANE HOLT: Yes. And my understanding is because of Title I, LPS provides those services to private school students whose schools don't have the money to provide those services. [LB630]

SENATOR LINEHAN: It's actually, and it's very confusing. [LB630]

JANE HOLT: Okay. [LB630]

SENATOR LINEHAN: It's actually I-D-E-A, Individuals with Disabilities Education. [LB630]

JANE HOLT: Oh, that's what they said and I didn't know what that meant. [LB630]

SENATOR LINEHAN: But here's the little kind of the underlying thing. IDEA cannot...they don't, so far--and I'm not arguing this--the Department of Education is...they can't give the money to parochial schools. [LB630]

JANE HOLT: Oh, so that's why they provide the services for them. Okay. [LB630]

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SENATOR LINEHAN: Because it cannot...the money cannot be...there are schools, public schools that actually contract with parochial schools for the services, but the public schools have to control the money. [LB630]

JANE HOLT: Okay. [LB630]

SENATOR LINEHAN: Okay. [LB630]

JANE HOLT: Thank you. [LB630]

SENATOR LINEHAN: All right. A lot of people didn't understand that and it didn't sound like you did either. [LB630]

JANE HOLT: No, me too, me either, uh-uh. [LB630]

SENATOR LINEHAN: Okay. Thank you very much. [LB630]

JANE HOLT: Uh-huh. [LB630]

SENATOR GROENE: Thank you for your testimony. [LB630]

JANE HOLT: Oh, thanks a lot. It's a neat process. I appreciate being a part of it. [LB630]

ANDY GROSSHANS: Good evening. My name is Andy Grosshans, A-n-d-y G-r-o-s-s-h-a-n-s, I am a school board member in Waverly in School District 145. Senator Groene, I was sorry to hear you say that was the best one because you're about to hear the worst of the evening here and you had to wait this long to hear it. I will say a lot of my comments echo some of what we've already heard. So with respect to your earlier comments, I'll try to keep those brief. I, too, believe we have options in the Waverly District. We opt in and out with six neighboring districts and we have approximately 90 homeschool students that we have good relationships with in our district as well. Like Ms. Duncan, who spoke just a little bit ago, I get hit a lot at a basketball game, a phone call, an e-mail, and I'm proud of it. It's hard work, but I'm proud of the work that we do as

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public elected officials. And that's where I have probably most of my heartburn is the public funding without some of the public accountability. I know you've heard that before, but I think it's worth repeating. Without a publicly elected board, without state mandated education standards that we have in place, it gives me heartburn to see those dollars moved away from the public school and into a charter school situation. I would rather see those invested in the public schools and strengthen and improve upon. We've talked about improvement, I would love to continue to improve. Senator Linehan, I appreciate your questions you've asked several people about what is that number? And I don't have that number either. I don't know what that takes. Personally, I'd like to try to find out what that number is in the public school as opposed to shifting and trying the charters. In Waverly...another question I'm going to get here is, well, you're in Waverly, aren't you? Well, like Prescott, we've had three buildings fall on the needs improvement list. And I don't think you would think that when you think of Waverly. We have some pretty high performing schools. We do very well and I'm very proud to have my children...I have a senior and a freshman at school there. I couldn't think of a place I'd rather be. But I think it's worth talking about. I do believe in measurement and making sure that we're doing things better all the time and finding out how we're doing. But when we talk about things like NeSA scores and schools that fall on needs improvement lists, when cut scores change year over year and we change where those standards might fall, it becomes a little bit of a moving target. And that's hard. It's hard for these schools to meet some of those standards. So I would like to see more of the attention placed there. And I will finish by also talking to Senator Walz's question that has come up several times on what's different, what's better? And I don't think I've heard that answer yet on the charter schools. And I'm not here to say, well, the public schools are way better either. But in the absence of that answer I would sure like to see the investment in the public schools to continue to make them better. I think it's one of the things that makes Nebraska great. It makes me proud to do what I do as a school board member. And I appreciate all your time very much. Thank you. [LB630]

SENATOR GROENE: Any questions? Thank you for your testimony. [LB630]

ANDY GROSSHANS: Thank you. [LB630]

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ANN HUNTER-PIRTLE: (Exhibit 20) Good evening. My name is Ann Hunter-Pirtle, A-n-n H-u-n-t-e-r-P-i-r-t-l-e, I'm the executive director for Stand for Schools, a nonprofit that's dedicated to advancing public education in Nebraska. We've heard a lot of great testimony on both sides, very passionate, but limited discussion about what's actually in this bill. So I'd like to bring us back to that for a moment. The question before this committee isn't whether charter schools are good or bad. The question before you is whether this bill, LB630, would help the state of Nebraska meet the educational challenges we face here. The devil is in the details and with this bill the answer is clearly, no. We heard it from the introducer, funding for charter schools comes out of TEEOSA. LB30 (sic: LB630) spells out that public schools are still responsible for transportation and that they must allow teachers to take leaves of absence from two to four years to teach in charter schools and be able to return to their old jobs. How is that fostering competition? You heard it from Senator Larson and it's written right into the bill, this bill devotes a whole lot more real estate to circumventing union rules for teachers than it does to setting high standards for students. And I want to correct a misconception that I think I've heard here. This isn't just about OPS. Rural schools could also be affected under this bill, though perhaps not right away. Certainly, in Michigan and some other states that have charter schools for some length of time, charter schools have made their way into rural areas and have ended up closing rural public schools. This bill doesn't limit charter schools to urban areas. And for schools that receive little or no TEEOSA funding, the difference would have to come from where? Property taxes. There's been some questions as well about how a lottery is unfair. A lottery happens if more students apply to a charter school than there is space at the school. And many charter schools are notorious for playing games with their application process to exclude children who are more expensive to educate. I'm happy to elaborate if you're curious about that. In addition, charter schools very often expel students who are difficult to educate and send them back to public schools. In Washington, D.C., charter schools expel students at a rate 72 times higher than local public schools and in Chicago it's 12 times higher. So as a result, charter schools get funds for every student in their classrooms on counting day, typically late September, even though public schools pick up the tab for students who transfer mid-year. So this bill would raise property taxes, reduce public school funding, take public dollars out of public oversight, and harm student achievement. For these reasons we oppose it. I welcome any questions. [LB630]

SENATOR GROENE: Thank you. Senator Pansing Brooks. [LB630]



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SENATOR PANSING BROOKS: Okay. Could you explain what you were saying about the lottery, also of the union. I'm sorry, I was typing fast. [LB630]

ANN HUNTER-PIRTLE: Yeah. So quite often charter schools, not all charter schools by any means, but some charter schools make it hard to access their application. This is kind of an extreme example, but Green Woods Charter School outside Philadelphia made their application available only one night a year at a so-called open house on a private golf club, far from public transportation. Just 17 percent of their student body was therefore eligible for free and reduced lunch, the lowest proportion of any school in the city. And while the school received a slap on the wrist for their admissions practices, they weren't closed over it. And while that is an extreme example, I think other charter schools go to maybe slightly smaller lengths to restrict applicants or counsel students out, whether before or after they've been admitted to the school. And so a lottery, there have been some questions about how is a lottery unfair? That's how. It is illegal to circumvent that lottery, but without some oversight mechanism--which this bill does not provide--there's little way to stop it. [LB630]

SENATOR PANSING BROOKS: Okay. And then could you tell me what you were talking about? I missed when Senator Larson talked about the absences of the two to four years. What did that have to do with (inaudible)? [LB630]

ANN HUNTER-PIRTLE: Yeah. This bill requires that public school teachers be allowed to take leaves of absence that can be up to two to four years long and that they then basically have their old jobs back in public schools. So public schools are stuck reserving a job for a teacher that's gone to a charter school for some length of time and continuing to provide--as I understand it--union benefits during that period. Meanwhile, someone filling that role in a public school doesn't have any job security, isn't eligible to stay should that teacher want to come back. So that's a real concern I have with this bill that hasn't been addressed much in this hearing. [LB630]

SENATOR PANSING BROOKS: Okay, thank you. [LB630]

SENATOR GROENE: Senator Linehan. [LB630]

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SENATOR LINEHAN: Thank you, Mr. Chairman. Thank you for being here. You want to explain to me how you think it raises property taxes? [LB630]

ANN HUNTER-PIRTLE: So as I understand it, we're talking about schools that are in the needs-improvement category, right? Some of those schools are in districts that receive little or no TEEOSA funding. Correct? [LB630]

SENATOR LINEHAN: I suppose a few of them are, yes. [LB630]

ANN HUNTER-PIRTLE: So for those schools that don't receive state equalization aid, where's the funding going to come from for charter schools? I don't see a mechanism other than property taxes for those places. [LB630]

SENATOR LINEHAN: But there's no...this is kind of a stretch. There's no...there's nothing in the bill that raises property taxes. [LB630]

ANN HUNTER-PIRTLE: No, but I'm saying... [LB630]

SENATOR LINEHAN: You're jumping to...you're going through kind of a this could happen and this could happen and, oh, my, we might end up raising property taxes. There's nothing in the bill that raises property taxes. [LB630]

ANN HUNTER-PIRTLE: Well, you're saying that charter schools are eligible to open essentially in districts that have needs-improvement schools. [LB630]

SENATOR LINEHAN: Yes. [LB630]

ANN HUNTER-PIRTLE: And those...we've talked a lot about OPS, which has the highest concentration of needs-improvement schools, but those districts across the state. [LB630]

SENATOR LINEHAN: But the funding...doesn't the funding in the bill follow the opt-in funding? Those kids now, if they all opted out of a needs-improvement school in Hay Springs--I

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don't know if Hay Springs has one, I don't have them all memorized--but Hay Springs, Nebraska, they all opt out to another school. Would the property taxes in Hay Springs go up? [LB630]

ANN HUNTER-PIRTLE: I don't see a way that they wouldn't, because as... [LB630]

SENATOR LINEHAN: There's no kids left to educate. [LB630]

ANN HUNTER-PIRTLE: As Mr. Lucas testified to earlier, I know there's no needs-improvement schools in York, but let's just imagine York because that's an example he gave of a more rural school. If you lose 50 students out of, say, a 1,500-student district... [LB630]

SENATOR LINEHAN: I know. We'll go to your example, but let's go to my example first. You got a very small needs-improvement school in Crab Orchard, Nebraska. Okay? They're all... [LB630]

ANN HUNTER-PIRTLE: How many students are there? [LB630]

SENATOR LINEHAN: There's actually none in Crab Orchard. But let's say, we could pick Lewiston (inaudible) get me in trouble. [LB630]

ANN HUNTER-PIRTLE: Okay. [LB630]

SENATOR LINEHAN: Two hundred kids. [LB630]

ANN HUNTER-PIRTLE: Okay. [LB630]

SENATOR LINEHAN: Charter school opens in Filley. There's no school in Filley right now. There's 200 kids in Lewiston, about 25 percent of which opted in from Beatrice already. And all the kids opt into Filley. So what does that do to the property taxes in Lewiston? [LB630]

ANN HUNTER-PIRTLE: Well, again, something that's been brought up earlier is that students cost differing amounts to educate. And so the way that I understand this bill finances that

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mechanism is there's a per pupil expenditure. But if you lose only a handful of kids out of a relatively small school district... [LB630]

SENATOR LINEHAN: We're not, we're closing the school. They all opt out. So what happens to the property taxes in that district? [LB630]

ANN HUNTER-PIRTLE: Well, you've closed the school. I guess the property taxes stay the same. Is closing schools something that we want to pursue? I think that... [LB630]

SENATOR LINEHAN: I'm just saying, because you're going to one extreme and I'm just going to the other extreme. [LB630]

ANN HUNTER-PIRTLE: Sure. [LB630]

SENATOR LINEHAN: Sixty percent...sixty-six percent of property taxes go to run a school. So I just...I don't think it's a legitimate thing to talk about, so let's go on to something else. Union benefits, how does this affect a teacher's union benefits? [LB630]

ANN HUNTER-PIRTLE: The bulk of the bill deals with teachers and working them out of union rules, essentially, making sure that they...we've talked about flexibility in charter schools. You're right, that in order to have that there are union benefits that need to be circumvented. And if we need to have the discussion about why that is, then let's have that discussion. But what this bill does, and it's pages and pages of the bill... [LB630]

SENATOR LINEHAN: Right. I understand that. I just want...so it is they work outside the union norms, right? [LB630]

ANN HUNTER-PIRTLE: Right. [LB630]

SENATOR LINEHAN: That's how the bill works. [LB630]

ANN HUNTER-PIRTLE: Right. Right. [LB630]

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SENATOR LINEHAN: Okay. That's true. Did you work in the Obama administration? [LB630]

ANN HUNTER-PIRTLE: I did. [LB630]

SENATOR LINEHAN: Why do you think President Obama supported charter schools? [LB630]

ANN HUNTER-PIRTLE: I'm very glad you asked that question. I think...I don't think there is an answer to whether charter schools are good or bad, as I alluded to in my earlier testimony. I think there are charter schools that are great and some charter schools that are not as good. But I think places where charter schools make sense--and Chicago is one and that's where President Obama is from and that's where Arne Duncan is from and so this is the system they knew--and I think they applied it nationally and I have some qualms with that, frankly. A prerequisite, in my view, for charter schools to make sense is for there to be systemic corruption on your school board or in your city politics. The reason I say that is because for us to take the risk of taking public dollars out of public oversight there needs to be some problem with the public oversight system of elected school board members. So in a city like Chicago or New York or D.C., where you've got machine politics and rampant corruption in local elected races, then I think there may be a role for charter schools where they make sense. I think that's why President Obama supported charter schools, because that's why Arne Duncan supported charter schools. [LB630]

SENATOR LINEHAN: There is public oversight in this, but we'll skip on to this. Do you think President Obama would be happy with the schools in north Omaha, 28 percent of them failing; they're mostly minority students. Do you think he'd be happy with those students or do you think he'd think we might try a charter school? [LB630]

ANN HUNTER-PIRTLE: I think he would think that certainly schools need to do more and that we need to do more to support our schools. I don't know what he would say about charter schools being the answer in that specific area. From my limited interactions with the President, my guess is that he would want to study the issue carefully and get details about the specific circumstances we're talking about in this case. [LB630]

SENATOR LINEHAN: Did he limit his support for charter schools to certain states? [LB630]

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ANN HUNTER-PIRTLE: No, but it also wasn't blanket, loud support that charter schools are always great no matter what. I think his administration put some fairly tight guidelines around the kinds of charter schools they supported. And I don't see all of those same (inaudible) in this bill. [LB630]

SENATOR LINEHAN: But they were urban areas that have a lot of trouble with a lot of kids dropping out of school, where they have gang violence, where kids shoot kids, where 50 percent of the kids drop out of high school, where the male graduation rate is half of what the white male graduation rate is and too many of them end up in jail. Is that the kind of areas he thought charter schools would be helpful in? [LB630]

ANN HUNTER-PIRTLE: I think so. And I would also say that even a good system is not perfect. Nebraska public schools are great. No one here is suggesting that they are perfect or that no place needs improvement. I think the way to improve those schools though is to invest in the services that we know help students. We talked about mental health. I would advocate for additional school nurses, school psychologists, and that's not what this bill provides. [LB630]

SENATOR LINEHAN: Okay. [LB630]

SENATOR GROENE: Did you have a question, Adam? [LB630]

SENATOR MORFELD: I did. [LB630]

SENATOR GROENE: Go ahead. Senator Morfeld. [LB630]

SENATOR MORFELD: While I appreciate Senator Linehan's questions, I like to live in the world of reality. So in a school that's unequalized, like a rural district, that school is not receiving state aid, not TEEOSA state aid anyway. I mean, they're receiving others, special education and other state aid and we know that, but not TEEOSA. The more likely result if a charter school did start up in one of those areas--which we do have one school on an Indian reservation that is out there; I know it's a smaller school--the likely thing that would happen is there would be some students that would go to the charter school and some students that would stay in the public

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school. Right? Not every single school is likely going to go to a charter school, which is one of the problems I have with charters schools is because it's based on the parents actually enrolling oftentimes...oftentimes it's based on the parents actually enrolling their student into those charter schools. And as much as I would love to have trust in every single parent, I know that there are some parents that can barely take care of themselves, let alone their child. And that's one of our problems. And that's because of a host of other societal problems, for the most part. That being said, the more likely thing is, is that some of the students are going to go to the charters school and some of the students are going to stay at the public school. Correct? And at the charter school, based on your experience looking at national charter schools...at the charter school do they have a principal? [LB630]

ANN HUNTER-PIRTLE: They typically have a CEO. [LB630]

SENATOR MORFELD: A CEO? Okay, so there's another CEO. And at a charter school are they generally going to have janitorial staff or people that take care of the grounds or... [LB630]

ANN HUNTER-PIRTLE: Yeah. [LB630]

SENATOR MORFELD: Okay. So there's some more staff. Okay, what are some other things that the charter school is going to require that the other school might have as well? [LB630]

ANN HUNTER-PIRTLE: You're getting at overhead costs and you're exactly right. Charter schools and public schools have many of the same overhead costs. There might be ways to minimize those. We heard a little bit about those this evening. But the point that hasn't been brought up tonight and that I want to get to is that children cost wildly different amounts of money to educate. We send a per pupil average amount with a child to a charter school. But let's imagine that one of the students that Mike Lucas alluded to earlier wanted to attend a charter school. And let's say that that kid costs \$100,000 a year to educate due to severe special needs. And if we're taking folks at their word that charter schools have to educate all kids, that's a real drain on a school's perhaps limited finances. When you create charter schools, whether they are for profit or not for profit...I run a nonprofit organization, as I know you do as well, Senator. I know that even in a nonprofit setting, dollars and cents matter. Right? You know, you have to

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keep an eye on sort of the bottom line. And so when you introduce that motive of looking at dollars and cents at kids, that's when you end up leaving out the children that are most vulnerable, because they cost more to educate. And that's not a lens that I think we should use to look at children. [LB630]

SENATOR MORFELD: The other cost that might be saved in a charter school is how much they pay the teachers and some of the benefits. Isn't that right? [LB630]

ANN HUNTER-PIRTLE: Exactly right. [LB630]

SENATOR MORFELD: Which, personally, I think is a problem because we have a hard enough time recruiting teachers and keeping them in the profession, particularly their first years with their pay. So I don't see that as a value add by any means. I guess my concern is, is that particularly, number one, I won't on my property tax conversation, because that's not necessary for tonight or relevant. Well, it's kind of relevant to this, actually, but in any case, one of my concerns is that we're going to be creating duplication of services and we're going to be taking away resources that are going to have economies of scale in a good way. The number one thing we should be concerned about is children's education and the quality of it, not necessarily economies of scale. But from a taxpayer point of view, I think we also need to be concerned about that. That being said, I appreciate you answering my questions. Thank you. [LB630]

SENATOR GROENE: You keep talking about money. Fund it. Fund it. Senator Linehan tenderly quoted we're 17th in the nation spending per student. I just looked up family incomes in Nebraska. We're \$800 below the median; that puts us 27th to 28th. Where do you think Chicago fits, spending per student? Where do you think Washington, D.C., fits spending per student? Where do you think New York City fits spending per student? Would you think they're maybe a little bit higher, sometimes double what we spend? [LB630]

ANN HUNTER-PIRTLE: I don't know off the top, but I would imagine so, sure. [LB630]

SENATOR GROENE: So I've asked the study...I've asked this over and over from groups like yours, show me the study that correlates spending to outcomes. [LB630]



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ANN HUNTER-PIRTLE: I'll be happy to show you a few. I'll send those right away. [LB630]

SENATOR GROENE: And don't show me Harvard, because Harvard...make sure you have a 32 on a ACT test before you even go in and then you get to pay \$50,000 or \$100,000 a year. But show me that study. Show me where Chicago...why do they need charter schools if they're spending \$20,000-some a student? [LB630]

ANN HUNTER-PIRTLE: What I was getting at in talking... [LB630]

SENATOR GROENE: Why does Washington, D.C., need charter schools when they spend some \$30,000-some a student? Show me where spending correlates to outcomes. [LB630]

ANN HUNTER-PIRTLE: Can I... [LB630]

SENATOR GROENE: Answer? [LB630]

ANN HUNTER-PIRTLE: Yeah. Something I alluded to with Senator Linehan was I think places where charter schools may make sense are places where school board corruption is pretty endemic to the school system. And the three that you just outlined, I think that either is the case or maybe has been in the past. So, no, you're right. Throwing more money at a problem isn't always the solution. I'm happy to show you a number of students that do equate better investments in things like early childhood education, career education, school nutrition, and other programs as having a positive impact on student achievement. But as far as whether charter schools make sense in those places, I think it has more to do with, frankly, the local oversight of the school system than the amount of money spent per student. [LB630]

SENATOR PANSING BROOKS: Mental health costs. [LB630]

SENATOR GROENE: And also, I think the way this is written, it wouldn't affect property taxes, because the students are still in the TEEOSA formula even though...they're still in a public school, it's just an independent one within the...and they transfer the money per student. But TEEOSA is capped. I mean, you've got spending limits and you have funding limits. So smaller,

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rural schools that have a 50 mil levy is the reason. Not that they wouldn't want to go up, it's that they can't. [LB630]

ANN HUNTER-PIRTLE: Right. [LB630]

SENATOR GROENE: Now, Senator Morfeld made a better point, overhead costs being spread over two groups of students with the same amount of money. [LB630]

ANN HUNTER-PIRTLE: Yep. [LB630]

SENATOR GROENE: Thank you. [LB630]

ANN HUNTER-PIRTLE: Thank you. [LB630]

GRANT NORGAARD: Good evening, Senators. My name is Grant Norgaard, G-r-a-n-t N-o-r-g-a-a-r-d, I'm a superintendent from McCook, Nebraska, which is an urban district--we all know that's not true. One of the things that I've really enjoyed about tonight is the fact that I've seen from both the proponents' and the opponents' side is some people who really care deeply about education. And I find that just absolutely amazing and I really appreciate that, some of these. One of the persons I really want to visit with is Jason Epting, who is the principal of the Harlem school, and I don't remember the exact...Harlem Academy Charter School. He just did an absolutely amazing job impressing me with his passion concerning education. And I have a principal's opening right now. The one thing I think about Jason is that...yeah, if I could run him down. I think he'd be successful in McCook. And I know he's successful at a charter school, but I really think he'd be successful there, too. And the fella from Omaha South, what a passionate person and what a difference maker he is. And I don't think it matters what type of school he's in, he's going to have a great deal of success. And one of the reasons I'm here, I'm from McCook so what am I doing here so late at night? Tomorrow I'm going to be working really, really hard to recruit just absolutely as many awesome teachers as I possibly can at the UNL Recruiting Fair. And I thought this would be a great way to spend my evening and it really is. So I appreciate...but my point is, that...and there's some...so there's some research that I can use to back this up. There's a study of what works in schools, "The Politics of Distraction." It was

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published in 2015 by John Hattie and it's a research article. In there he talks about how there's a greater difference in variance within buildings than there is between schools. And what that means is you take a parochial school, a charter school, and a public school, there's a greater difference in variance within each of those buildings than there is between the buildings. So what does that really tell us? What does that research tell us? Well, it tells us that we have...the issues about student performance are within the buildings itself. It's the teachers from classroom to classroom. And that's why I'm going to work so hard--I going to bring...we're going to have four administrators here and we're going to work our tails off tomorrow. And you should come by UNL, it's in the Union, second floor. Come by and see what we do, see what other schools are trying to do to attract the very, very best. And UNL is a great school to do that at. And so I want you...I just wanted to bring that up. I think that it's important to understand that when you talk about improving student achievement for schools for all students--I hate that yellow light--but we're going to talk about that. It's important to know that it's the people that count. And there's a couple of other things that I wanted to share with you. One of those is, that when we talk about...the fella from Omaha South--I just want to make sure I get this point out--I shared last week with you about some other research and it talked about the biggest factor in students' poor performance is depression. And when he talked about what he's dealing with at Omaha South, it just goes...it's a regressive situation. We talk about mental health. That's so important. Right now our board is talking about school psychologists, hiring another school psychologist for McCook Public Schools. We need that, because we need to help our students who are facing mental health issues. And we talk about poverty a lot, but poverty is linked to that. There's a correlation between poverty and students who come from homes where there isn't the support and where mental illness is more...you find it more common. Anyway, well, I'm done, so. But I thank you. And I'll be happy to answer any questions. [LB630]

SENATOR GROENE: Any questions? Could it be part of the things with charter schools is that a good teacher knows that they will be rewarded and not held by a union contract? [LB630]

GRANT NORGAARD: Yeah, you know, that's...absolutely. I think in a successful charter school they're going to be either terminated if they're not successful and they're going to be rewarded as well. But in a public school...a public school that's working well is going to do the exact same thing. So my guess, reiterating my point... [LB630]

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SENATOR GROENE: ...teacher that's only been there three years, making \$30,000 (inaudible)...  
[LB630]

GRANT NORGAARD: ...Oh, I see what you mean. You just meant financial rewards? [LB630]

SENATOR GROENE: ...fifteen years, yeah. [LB630]

GRANT NORGAARD: Well, one of our interview questions, Senator Groene is that, why? Why do you want to be a teacher? And we always hire the teacher who has a passion for making a difference in the learning and growth of the student. When the teacher mentions the money portion of it, that's not a good answer for us. And because the reality is the studies--I'm a very research-based guy and I didn't bring any papers this week, so you should be thankful for that--the research shows that if the answer is, I care about the kids, student learning, and growth, then they're going to be a great teacher. If it's about money, you need not...you need to look in a different direction, because research says that teacher is not going to be as good or qualified of a teacher. [LB630]

SENATOR GROENE: Thank you for that answer. Next. [LB630]

MISTY MURPHY: Hi. My name is Misty Murphy, M-i-s-t-y M-u-r-p-h-y, and I am here as a parent and certified teacher. I also teach at a failing school, although I'm not here to represent that school or the district. I'm also here as a person that was raised in poverty and a child that experienced trauma. I currently have a bachelor's degree in human relations and a master's degree in education, with a specialization in teacher learning and teacher education. I had a 10-plus year career in child welfare before leaving during privatization to pursue a master's degree in education. I'm now in my fifth year as a teacher and I wanted to give you a snapshot of my classroom. And I also wanted to mention the changes that I've seen just within a five-year period. Right now I have 19 students. Nineteen of those students, six that I know of have experienced trauma. Five of those students that I know of have a parent that's incarcerated or been incarcerated. And I also have children that complain of being hungry and tired and sad. Earlier this evening, I forgot the gentleman's name, the teach from South, mentioned that trauma is the key component in how we help children be successful. As a teacher in a failing school, I can say

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that in the last five years we have implemented more programs to address trauma. We have had trainings from therapists in the community on trauma informed care. We specify our instructional strategies for children that have experienced trauma. And we also focus on shelter instruction, which is using methods of teaching to help students that are not necessarily English speakers, but also our English speakers but maybe with a lower vocabulary, which we all know studies have proven that children in poverty have lower vocabularies when they enter a school system. In the last five years I've seen children come in more tired, more hungry, more sad, more scared. And I've seen teachers implement more and more and more and more strategies that they have not been trained to do. And I can say that because I have had experience...I've been trained in mental health and how to work with children that have mental health and socioemotional needs and I've experienced public education for myself to have a master's degree in education. My master's degree in education did not provide me the luxury of knowing how to teach children with trauma. It did not provide me with the luxury of knowing how to be there and be that person for that child. Luckily, I did have a career--hopefully, a successful career--in child welfare. So I'm here asking you to oppose LB630 and focus more on what we already have and know that teachers and administrators and communities are behind our public education system. I would also like to address Senator Brooks, if I may. You had asked the gentleman, the teacher from South, what...how we could measure success. You also asked how we can address mental health. Two things that the school in which I teach has implemented is trauma informed care training for all staff. And that is...trauma informed care training is how we interact with children, how we combine our instruction with our interactions to promote a positive, healthy, safe environment for children. The other way that we can measure success is in one year's growth. Not all children come in on their grade level. Not all children are performing where they should be when they come to me or when they go to another teacher. However, I can prove that I am educating them if I am giving them that year's growth that a child would come in at grade level would leave with one year's growth in comparison. [LB630]

SENATOR GROENE: Thank you. Any questions? Senator Pansing Brooks. [LB630]

SENATOR PANSING BROOKS: Thank you. Thanks for coming in, I appreciate that. And those are the questions I was going to ask you. So in that regard, I'm presuming that you would think more dollars could be spent in mental health and in counseling and those kinds of areas. [LB630]

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MISTY MURPHY: And I don't know that it's more dollars. I know we would have...districts would have to provide people to do the training, so there's that overhead or those costs. But it is a matter I think of training teachers, of lowering class sizes, if possible. We would have to add funding dollars to maybe provide another adult in the room. So, yes, I do think funding is an issue. And I'm sorry if that didn't answer your question. [LB630]

SENATOR PANSING BROOKS: It sort of did. But I watched at our children's elementary school where the counselor was basically...they had a counselor there every day and then pretty soon it was once a week. And so when you have way more issues of mental health and you take away all ability for anybody...for the kids to have anybody to go to, that's a need for more dollars specifically in behavioral mental health. [LB630]

MISTY MURPHY: Yes. And as I understand it--I'm not an expert or even probably as informed as I should be about funding--but my understanding is that schools that are underperforming receive more dollars in certain areas. I know that I have seen an increase in our counselor...we have a full-time counselor now. We have a psychologist. We have a social worker. Those are things that were not in place five years ago. So the scores that we're looking at and how and when we've been judged as a failing school are from a time when we didn't have some of the resources that we have now. So I think it's a resources to student issue. Unfortunately, that also means funding. But I don't think creating another school or creating another entity where we have to split dollars and share that is the answer. [LB630]

SENATOR PANSING BROOKS: It's strategic placement of dollars. [LB630]

MISTY MURPHY: Yes. [LB630]

SENATOR PANSING BROOKS: Are you teaching at an elementary or...I know you don't want to say what school, but could you tell us the level? [LB630]

MISTY MURPHY: I am at an elementary school. I teach at Prescott Elementary. [LB630]

SENATOR PANSING BROOKS: Okay. That's a great school, so. [LB630]

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MISTY MURPHY: I know. And please come. It is. I know it's late. I would love to say much more, but... [LB630]

SENATOR PANSING BROOKS: We'll get people to come over there. It's so close. It's right in the district, so. [LB630]

MISTY MURPHY: Yeah, please do. Walk by and have lunch with us. [LB630]

SENATOR PANSING BROOKS: We'll come see it. [LB630]

SENATOR GROENE: Thank you for giving a teacher's viewpoint. [LB630]

MISTY MURPHY: Okay. Thank you. [LB630]

BRANDY JUDKINS: (Exhibit 21) Hello. My name is Brandy Judkins, B-r-a-n-d-y, Judkins, J-u-d-k-i-n-s, and I'm here speaking and I hope to keep my remarks relatively brief. I was a doctoral candidate in UNL's Teaching Learning Teacher Education program. Okay. So, dear senators, thank you for your time and consideration today. Others have talked already about the strengths, the weaknesses, the relative merits and costs of charter schools. One of the points, though, that has come up a few times is the concern that some of our schools that fall into the needs improvement box are not in Omaha. They're not in our urban or even more populous areas of the state. Some of them are in rural areas. Some in fact are in our what we once called our very sparse school districts. I believe in 2015 or 2016 we stopped using that specific terminology, but at one time we had 40 very sparse school districts. And 31 percent of the children in the birth through age five cohort in Nebraska live in rural areas. Fourteen point eight percent of those children live below the poverty line. Our state has such a significant rural area that 55 percent of Nebraska schools, as of 2014--and the numbers I've seen show that that is actually increasing--are located in our rural districts. One-third of our rural students qualify for reduced priced lunch and our rural communities face unique and numerous fiscal and educational challenges. But, independent public schools--or as they're more commonly known in other areas, charter schools--may offer limited benefit to our most rural and, in essence, some of our neediest communities. I'll briefly sum up. And I don't want to go into the numbers because you have them

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in front of you. We have a wide variety of private schools, for example, one of the forms of choice, in this state. But most of those are concentrated in our urban or most populous areas of the state. In fact, 77 percent of those private schools are located in our larger and more populous communities. And so if our most rural communities don't have even a private school, if they're barely able to support one elementary school let alone two elementary schools, do they have room to accommodate an independent public school? Would they be attractive to someone to start an independent public school? And would they take needed resources from the traditional public school? I want to draw your attention to one school district that would fit into that box. It is the Southern School District 1, which was located in Gage County. For six years it was on the needs improvement list, so it would have been one of these schools, and yet they are only able to have two schools; one elementary, one high school. And so would a charter fit within that? I invite you to peruse the rest of my comments and I welcome any questions. [LB630]

SENATOR KOLOWSKI: Thank you. Any questions from the senators? Seeing none, thank you very much. [LB630]

BRANDY JUDKINS: Thank you. [LB630]

BOB FEURER: You're going, oh, that guy again. Sorry. [LB630]

SENATOR KOLOWSKI: Welcome back, Bob. [LB630]

BOB FEURER: (Exhibit 22) Bob Feurer, B-o-b F-e-u-r-e-r, and I have been crossing out things as people have brought them up. There's a few points that I want to raise again for some emphasis. I have my school board member's hat on right now, okay, rather than the former teacher's hat. The no elected school board was one of the issues; for responsibility for the oversight was one of the problems that I saw; also, providing transportation, that was brought up the witness before. Providing transportation is kind of a big deal. Our school district has 13 zip codes. We have about 600 kids. We run five bus routes. A route...we just talked about this at the board meeting last night. One of our routes is 55 miles long, that's the average. So we run five of those and that's morning and night, so that becomes a pretty big expense for us. If we would have to transport these other kids, we've got to buy the buses, we got to hire the drivers, recruit those



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drivers, put fuel in the buses, and make sure they run. So that would be an expense that would cost taxpayer dollars. The other one is in the process here. In essence, the IPS can raid existing public schools of teachers; this was also brought up earlier. But not enough emphasis wasn't put on the fact that you need to go out and try to find a teacher for that two years and that costs you money. Some research says that's maybe as much as a third of the cost of the teacher. Because you're paying that teacher \$30,000, the loss of that teacher is \$10,000. And then you have tenure issues. And why I'm bringing that in--it's completely off topic, it's one of the things I forgot--one of the things about lotteries that I thought about. Okay, so if you run a lottery every year, if I get in year one, am I guaranteed to get in year two? Yes? Okay. That was not the way I understood it. Okay. We're going to--the two bills I testified against earlier today--we're talking about teachers apply, we're going to compete again. If we carve out another school district within the same geographic area we're going to be competing for those same resources, the people part of that. And then I'm not even going to...some of the research that I found was done by a Texas school board member, which I thought probably carried as much weight as any of the research I found as far as talking about charters. This is 5,000 students in Texas over several years and that's some of the documentation, that's on page 2 and 3 of the handout. So that's it, unless there are questions. [LB630]

SENATOR GROENE: Thank you, sir. [LB630]

BOB FEURER: You bet. Thank you. [LB630]

TIM ROYERS: (Exhibits 23, 24, 25) This is from a separate individual who was here tonight, but his wife went into labor about two hours ago so he had to leave early. So he asked me to share that all with you. I thought, you know, that's a pretty legitimate excuse for not being able to speak tonight. Yeah, he was like, yeah, I need to leave. I'm like, yeah, that's a good reason. Anyway, like Bob, I will also be not speaking to some of the things that I have in my written testimony. So good evening again. For the record, my name is Tim, T-i-m, Royers is R-o-y-e-r-s. I've already mentioned my accolade that I received last year, I don't need to do that again. However, given some of the denigrating comments by Senator Larson and others, I would like to mention that I am the proud chief negotiator of the Millard Education Association and purportedly one of those evil people putting retirement before my kids. One of the things that I

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do want to say is that Nebraska has proven time and time again, as you've heard from many others, that we have outstanding schools. No one...very few have mentioned how good we compare on the NAPE, which is something that I think we really need to look into. ACT has already been mentioned. Graduation rates have already been mentioned. But here's the thing I want to mention again that's been said by others: We already have choice. Why do we need LB630 when districts offer more than half a dozen different graduation paths? Why do we need LB630 when we have option enrollment? But more importantly--an entity that no one has talked about tonight--when we have the Wilson Focus School, why aren't we emulating that model? Why do we need LB630 when schools that need improvement are already willing to radically change their approach, including amending the teachers' contract, like at Kennedy Elementary? This bill erodes local control and establishes schools that have zero direct voter accountability; none whatsoever. It creates another state level institution. It would divert funding, employees, and authority away from locally elected school boards. It creates another level of bureaucracy that is not elected but appointed, that sidesteps the authority of our State Board of Education that is accountable to the people. And it's incredibly interesting that the argument that I just made was even better articulated by Senator Linehan. She said, and I quote, decisions affecting our students should be made by parents, teachers, and elected school board members. Paying for another level of bureaucracy does little to serve students. It is absolutely shocking to me that senators that normally pride themselves on limiting government and seeking to reign in bureaucracy are suddenly championing a bill that would create more bureaucrats, more regulation, and less local control. And let us be clear, these are not independent public schools, they are privately operated schools that use public money. And this is the catch, this is the thing, folks. We have had charters in this country since 1992. If they have the impact that Section 2 of this bill claims they have, Nebraska should be way behind states that have charter schools. And instead, we objectively have one of the best states for education in the country. But even more importantly we know, thanks to decades of educational research, what actually closes achievement gaps: lower class sizes; community-based schools; fewer teacher preps. Those initiatives show demonstrable gains. So if Senator Larson proposed this bill to truly put into law the best ways to close those gaps in achievements, he would have proposed any of those. But he didn't, because this bill's priority is not about helping kids, it is about supporting a political agenda that does not actually fit the issues we have in Nebraska. It is a legislative square peg being slammed into a round hole. Nebraska's public schools absolutely have areas that we can

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and need to improve upon, but looking at those deficiencies is grounds to bleed funds away from school districts that are already running lean is not the solution. And let's be clear, every single district that is under TEEOSA would suffer from this bill. That is a fact. My conclusion was grounded in the fact that I'd be going around early, around 1:45 to testify with you today. So it was a challenge to listen to the educators that are here. Instead, I want to close by profoundly and sincerely thanking all of you. We are here very late this evening and you have consistently throughout the night, even as late as right now, asked questions and followed up and taken advantage of all of us being here. And, again, I sincerely want to say thank you to that, because that was not necessary on your part. And it's late and so I know that that wasn't necessary, so thank you. [LB630]

SENATOR GROENE: So a fact...oh, I will go till last. Since you mentioned Senator Linehan, I'll let her ask first. [LB630]

SENATOR LINEHAN: No, go ahead. No, let everybody else go first. That's fine. [LB630]

SENATOR GROENE: All right. Who wants to go first? Senator Ebke. [LB630]

SENATOR EBKE: Which school did you say you were from? [LB630]

TIM ROYERS: I teach at Millard West. [LB630]

SENATOR EBKE: At Millard West. I'm sure glad I wasn't on the...I sat on a school board for 12 years and I was on the negotiating team. And I'm sure glad you weren't on the other side of the table. [LB630]

SENATOR GROENE: Senator Pansing Brooks. [LB630]

SENATOR PANSING BROOKS: Can I have a copy of your testimony? Can you get that to us? [LB630]

TIM ROYERS: Did it not circulate around? [LB630]

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SENATOR PANSING BROOKS: Oh, I didn't see it. [LB630]

TIM ROYERS: If not, I have an extra one I can give you that's in my bag, for sure. [LB630]

SENATOR PANSING BROOKS: Okay, thank you. [LB630]

TIM ROYERS: Yeah, because I would...I did try to cite any of the specific claims that I made with references, so. [LB630]

SENATOR PANSING BROOKS: Do you speak slower to your students? [LB630]

TIM ROYERS: They learn to catch up with me. Yeah, that's right, I've been timing. [LB630]

SENATOR PANSING BROOKS: Thank you. That was excellent, thank you. All the teachers that were so nice to stay and be here and so passionate for our students, thank you very much. Politicians. [LB630]

SENATOR GROENE: Senator Linehan. [LB630]

SENATOR LINEHAN: I thank you for being here so late. [LB630]

TIM ROYERS: Yep. [LB630]

SENATOR LINEHAN: Does Millard have opting kids? [LB630]

TIM ROYERS: Absolutely. [LB630]

SENATOR LINEHAN: Do you have any idea how many opting kids? [LB630]

TIM ROYERS: I don't, off the top of my head. I can certainly get that information for you. [LB630]

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SENATOR LINEHAN: Do they get money out of the TEEOSA formula, more money from TEEOSA because of opting kids? [LB630]

TIM ROYERS: Sure. [LB630]

SENATOR LINEHAN: Do you know how much money they get because of opt-in kids from the state formula? [LB630]

TIM ROYERS: To my knowledge, the money is equivalent. Right? So it's a dollar-for-dollar following. So I guess, if I can piggyback off that, the reason I said every district would hurt under TEEOSA is because by and large, especially most urban school districts operate at a per pupil cost that is far below the state average. So if you take...so like let's say I have a student leave Millard and go to a charter school. More money would leave Millard than what they're actually paying. Right? We educate at about \$2,000 cheaper than the state average. Yeah. [LB630]

SENATOR LINEHAN: Okay. [LB630]

TIM ROYERS: And that's true of OPS. Here's the reason why the state average is so high. It's actually western Nebraska districts and they have to deal with transportation costs. There are...most western Nebraska districts are spending near \$20,000, \$21,000, \$22,000 per pupil, whereas even communities like Kearney or North Platte, they're spending more like \$11,000 or \$12,000. So again, for the districts that we're talking about... [LB630]

SENATOR GROENE: \$10,000. [LB630]

TIM ROYERS: Yeah, there you go. For the districts that we're talking about, again, it would actually be a hit for kids to leave. [LB630]

SENATOR LINEHAN: Do you know if there's any schools in Nebraska where we have kids opting out of schools that have been found to be great into schools that need improvement? [LB630]

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TIM ROYERS: Sorry, are you asking... [LB630]

SENATOR LINEHAN: So do you know if there is any schools...and I should tell you, there are schools... [LB630]

TIM ROYERS: Yes. [LB630]

SENATOR LINEHAN: ...where students are opting out of great schools into needs improvement schools. [LB630]

TIM ROYERS: Yeah. Yes. I think we heard testimony from one specific person, Senator. [LB630]

SENATOR LINEHAN: So does that bother you at all? [LB630]

TIM ROYERS: No. [LB630]

SENATOR LINEHAN: No? [LB630]

TIM ROYERS: That is their choice, their truly public choice that we offer them in this state. [LB630]

SENATOR LINEHAN: When you talked about NAPE scores, we do well on NAPE scores. [LB630]

TIM ROYERS: One of the best in the country. [LB630]

SENATOR LINEHAN: Is that true of our minority population? [LB630]

TIM ROYERS: No. And this is where I...you know, you can't sugarcoat it, right? We have the ninth worst achievement gap in the country. That is absolutely true. That being said, I think the

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other question we have ask ourselves is, are we better now in addressing that issue than we are ten years ago? And the answer demonstrably is, yes. [LB630]

SENATOR LINEHAN: How? How are we better than ten years ago? [LB630]

TIM ROYERS: Scores have improved. [LB630]

SENATOR LINEHAN: Improved from what to what? [LB630]

TIM ROYERS: Compared to ten years ago. [LB630]

SENATOR LINEHAN: Okay. But let's go NAPE scores ten years ago today. Minorities schools, how much have they improved? [LB630]

TIM ROYERS: I'm referring to specialty schools in OPS. [LB630]

SENATOR LINEHAN: Minority kids. I want minority kids. [LB630]

TIM ROYERS: Yes, absolutely. My mom was the principal of Indian Hill Elementary, it's one of the highest minority and poverty schools in the state. [LB630]

SENATOR LINEHAN: Because I'm sure you, because you're very good and very well informed, you understand that the whole reason we have NAPE nationally is to specific...it's a civil rights issue. [LB630]

TIM ROYERS: Yes. [LB630]

SENATOR LINEHAN: We want to make sure that we're not leaving kids behind. [LB630]

TIM ROYERS: Yes. Right, absolutely. [LB630]

SENATOR LINEHAN: Okay. [LB630]

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TIM ROYERS: But again, this goes back to the issue that--and I'm not advocating this because I understand the political baggage that comes with it--but are you aware of what the number one research-based solution is to the minority education gap? There's no argument. Does anybody in this room know what it is? Busing. Without a doubt it closed the achievement gap between white and black students from 56 to 20 and then once busing ended it went from 20 to 26. So that's why I have pushback from people that keep touting the achievement gap, because if this bill was genuinely about solving the achievement gap it would have put in legislation the number one research-based solution for the achievement gap. That's not what this is doing. [LB630]

SENATOR LINEHAN: So do you think the woman from Stanford who presented this study from CREDO, which CREDO was quoted quite a few times during this debate over the last three or four years when it was not...you arguing with her? [LB630]

TIM ROYERS: No. But that's also not looking at busing as a solution, it's looking...and again the other thing, too, is... [LB630]

SENATOR LINEHAN: I don't think we're going to bring busing back. [LB630]

TIM ROYERS: No. And, again, nor am I saying that, but that's not the point I was trying to get at. Also...but again, look at the states that have charters versus...let's look at OPS and how it compares to peer school districts. OPS compared to Boston, which is the same student population and same demographics, OPS beats their graduation rate by 20 percent. You compare OPS to Seattle Public Schools, the same... [LB630]

SENATOR LINEHAN: You and I could argue all night and we probably should one night. [LB630]

TIM ROYERS: I will buy the food. Let's sit down to do it. [LB630]

SENATOR LINEHAN: But we probably shouldn't do it tonight. [LB630]



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TIM ROYERS: Okay. But I guess the point I'm trying to get at is I don't...I have no contention with the research coming out of Stanford, I just think that Nebraska does a good enough job and has shown an impetus to reform. I mentioned Kennedy Elementary School. They're borrowing from the charter play book in Atlanta. We have shown a willingness to modify union contracts, change legislation, and do things necessary without having to have that internal private competition within the state. [LB630]

SENATOR LINEHAN: Okay. I'm going to pass. And Chairman Groene's going to (inaudible)... [LB630]

SENATOR GROENE: It's \$9,400, option is, and it's a statewide average, not what OPS... [LB630]

TIM ROYERS: Sorry, I'm still in the Learning Community mode. That's phasing out with open versus option. I apologize. [LB630]

SENATOR GROENE: Well, even at that it was still \$9,400. It went by a statewide average. What bothers some of us is when people talk the conglomerate. [LB630]

TIM ROYERS: Sure. [LB630]

SENATOR GROENE: Nebraska schools. Every child steps in that school, he's an individual. [LB630]

TIM ROYERS: Absolutely. [LB630]

SENATOR GROENE: She's an individual. [LB630]

TIM ROYERS: Absolutely. [LB630]

SENATOR GROENE: I really don't care about the statewide average against another state. I worry about that one child in north Omaha whose got one shot at life. [LB630]

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TIM ROYERS: For sure. Yep, absolutely. [LB630]

SENATOR GROENE: When you average it with two-family schools in western Nebraska and you bring the whole average up, that doesn't help that one child in north Omaha. [LB630]

TIM ROYERS: Right. Sure. Without a doubt. [LB630]

SENATOR GROENE: And this bill is trying to help that child in north Omaha. [LB630]

TIM ROYERS: Absolutely. And I guess the point that I was trying to allude to, to what you're saying, Senator Groene is, I think there are already initiatives, especially in north Omaha, that are attempting to rectify the problem and we should give those initiatives a chance to play out. [LB630]

SENATOR GROENE: We've heard the school board member from OPS said they tried one and they got rejected by the teachers' union. [LB630]

TIM ROYERS: Well, but again, to clarify, that was because they wanted to privately contract staff to run a middle school. That was a separate issue. And so the issue was, does that violate collective... [LB630]

SENATOR GROENE: I just...you agreed with me, what's best for the child, not what's best for the union. [LB630]

TIM ROYERS: Sure. Well, but the difference is...no, the difference is the issue with the alternative school was, because it's privately contracted out does this have the same level of oversight as a public entity with public employees? That was the concern. [LB630]

SENATOR GROENE: Wouldn't you love that comparison to prove that you're right, that the public educators and the public schools could blow that school away and prove that it would fail? [LB630]

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TIM ROYERS: Sure. But I guess to take that example, I'm going to go back to what I...the example I gave in my testimony about Kennedy Elementary, where the union was willing to amend the contract... [LB630]

SENATOR GROENE: That's in OPS? [LB630]

TIM ROYERS: That's in OPS, yes, sir. [LB630]

SENATOR GROENE: So you're in Millard now. [LB630]

TIM ROYERS: They just did it this year. They amended their contract to allow for an extended modification of the school day, because they determined that that was in the best needs of the local population. So I can't speak to the specifics of what's going on with that alternative middle school, but I can speak because I've talked to people involved with Kennedy Elementary, that I think that...I think one of the issues that I've been having in all of this is, we should be looking at the examples of what the best of our public schools are doing and the best of our initiatives in our public school, and taking that and seeing how we can replicate it. We used to use the TEEOSA formula to do that. Senator Kolowski, you know. It used to be in the TEEOSA formula that the TEEOSA formula kicked out incentives for certain things, if you have lower class sizes for K-2, things like that. And that actually would drive reforms at the school level. Now those pieces were taken out of the TEEOSA. Those incentives are now gone. So I think that that's the kind of angle we should be looking at to try and encourage other schools and districts to emulate the successful models that we see in certain public schools. [LB630]

SENATOR GROENE: Your comment about small schools in rural driving up the cost. That argument isn't as strong anymore because there's so few students in the total to average in. And there's only a few schools that are over \$17,000 or \$18,000 that consolidated. Those numbers aren't as drastic. And when you take a little school with 100 kids in Hyannis and they're \$25,000, always remember that's always property taxes; they get no state aid. [LB630]

TIM ROYERS: No, absolutely. [LB630]

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SENATOR GROENE: And those 100 students of \$25,000 are not going to affect the average very much... [LB630]

TIM ROYERS: Right. [LB630]

SENATOR GROENE: ...of 310,000 students. [LB630]

TIM ROYERS: But that's another point where this bill would actually hurt those western districts that are exclusively or sorry, would hurt the TEEOSA districts overall because let's say you do have to set up a charter school in one of those districts... [LB630]

SENATOR GROENE: That point, I'll agree. [LB630]

TIM ROYERS: ...the point...okay, cool. [LB630]

SENATOR GROENE: ...with what Senator Morfeld's point was. I just wanted to make sure we went to 9:00 because (inaudible) because my 24...12 testifiers at three minutes was actually two hours. [LB630]

TIM ROYERS: There you go, all right. [LB630]

SENATOR EBKE: Okay, so now the challenge has been raised to the Judiciary Committee to go later, right? [LB630]

SENATOR GROENE: I want to compliment this committee. I have never seen a committee with all nine members stayed till 9:00. [LB630]

TIM ROYERS: Yes. Again, sincerely, thank you very much. We appreciate it. [LB630]

SENATOR GROENE: Eight members. All eight members. I was good at math at one time. But anyway, support...I didn't mention earlier letters of support: Glen Flint--everybody can leave, I mean this is for the record--Glen Flint, Springfield; Rachel Terry, Lincoln; Rhonda Pollock,

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March 14, 2017

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Omaha; Americans for Prosperity; Deb Portz, Lincoln; Ashlynn Duval, Omaha. Opposed, I'm just going to say and give it to the...1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 29 letters of support...opposed, opposed. None neutral. [LB630]