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Education Committee  
January 19, 2010

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[LB713 LB750 LB754]

The Committee on Education met at 1:30 p.m. on Tuesday, January 19, 2010, in Room 1525 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB713, LB750, and LB754. Senators present: Greg Adams, Chairperson; Gwen Howard, Vice Chairperson; Brad Ashford; Bill Avery; Abbie Cornett; Robert Giese; Ken Haar; and Kate Sullivan. [LB713]

SENATOR ADAMS: Okay. Finally, I think we've worked through the logistics and we're prepared to open the hearing today of the Education Committee on three different bills. LB713, LB754, and LB750 are the three bills that we will hear testimony on today. Let me first of all introduce to you the members of the committee. And then for those of you who are new to the system, let me lay out some of the ground rules. To my right is the committee clerk, Becki Collins. Next to her, eventually, will be Senator Ashford. Senator Giese, representing the South Sioux area. Here comes Senator Cornett. Kris Valentin next to me, the research analyst for the committee. I'm Greg Adams; I represent the 24th District. Senator Howard, the Vice Chair of the committee. Senator Sullivan; Senator Avery is amongst us today and Senator Haar as well. Thank you for all being here. And the first thing I would remind you is turn those darn cell phones off. The committee doesn't want to be interrupted, nor do the testifiers, from listening or from testifying, so if you would please do that. And as we proceed through the hearing today, we're going to--we have a light system, but we'll tell you as well when your time is up. And we're going to go with the five-minute rule; however, please do me a favor. We have three bills to hear today, and it looks as though we have a lot of people that would like to testify on the second bill, which is LB754. So we will go with the five-minute rule, but if your testimony is going to be repetitive, if it really has already been said, I would appreciate it if you not use all five minutes. That way, everybody gets a chance to say something to the committee. If you have written testimony or any other kinds of physical documents that you would like the committee to see, you can hand them over here to the committee clerk as you come up. I'd also ask you to be sure, if you're going to testify, to fill out one of the testifier sheets and hand those to the clerk. And be sure you state your name clearly and spell it for the record as you begin your testimony today. All right? With that we will begin with the first bill, LB713, to change provisions relating to school health inspections. We're ready, Senator Gloor, when you are. []

SENATOR GLOOR: (Exhibit 1) Thank you, Senator Adams. Fellow senators, my name is Mike Gloor, G-I-o-o-r. I am the senator from District 35, Grand Island, pleased to be here today to present LB713. LB713 relates to school health screenings. This legislation was brought to me by the school nurses association. I've been working with Jan Thede, a school nurse from Grand Island Senior High School, and Kathy Karsting with the Division of Public Health school and child health program. The Division of Public Health has been working on this issue with stakeholders but stopped because they felt the statute in question needed to be changed before the rules and guidelines could be

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updated. These are, by the way, the rules and guidelines. Only a small subsection of this deals with what we're trying to address today in school health screenings. At the present time, considerable variation exists in Nebraska schools regarding timing of screening activities, the personnel who screen, grade levels screened, the type of screenings performed, methodologies that are employed. And there is no statewide method for data gathering, analysis, or surveillance. And in this day and age, with concerns about flu outbreaks, to have no collective data gathering system is something that this provides an opportunity to try and address. The current state statute--and by the way, the original statute governing this goes back to 1919. There have really been no major updates or rewrites on issues related to screenings since the 1960s. So I think it's fair to say it's about time, perhaps, the statute better reflects what's happened in the art and science of school health. Separately and carefully...and this is what it requires: Every school district must separately and carefully inspect every child for defective sight and hearing, dental defects, other conditions as prescribed by the Nebraska Department of Health and Human Services. Statute dictates screenings be done in the first quarter of the school year, and the statute is interpreted to mean that all students must have all screenings every year. Schools are, not surprisingly, often unable to meet the statutory deadlines. Optical screenings are sometimes done in the spring semester by volunteer service organizations in communities. Nurses' travel time to different schools can be a problem, both the time spent in the car rather than seeing children as well as different resources that may be needed based upon the health needs, the screening needs of individual schools. And, of course, the ratio: We have a larger number of students to the number of nurses required to try and accomplish all that in the first quarter. And to do all these screens in the first quarter has become problematic, and to a large extent most schools are noncompliant. In addition to the unrealistic demands of the statute, current medical practice--as opposed to what was perhaps in place back in the '60s--and the American Academy of Pediatrics' recommendations are: age-appropriate screenings at developmentally significant times; every year in grade school K-4; longer intervals for older students unless a health or learning issue develops for a particular student. This schedule, by the way, would be a minimum. And if an individual school wants to, they can, in fact, be more intensive in their screenings. Our concerns about childhood obesity being what they are, it may be that some schools would prefer to do BMI--that would be screenings for obesity, body mass index--every year. School districts can increase screenings according to their local student needs. And transfer students: Screenings confirmed or performed upon entry either by the school nurse or through an athletic physical or physician. LB713 directs the Department of Health and Human Services--and we're talking about Health and Human Services, not the Department of Education--to set the schedule for screenings. A copy of suggested time lines is in the handout that was sent to you. It directs the department to dictate what screenings are done beyond dental, vision, and hearing. And it may make available to schools a method for gathering student health data in compliance with applicable privacy laws for analysis of health trends. This body would understand, the FERPA, Family Educational Rights and Privacy Act--it protects ownership of the health

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data of the student, considers it part of their learning and school record. Therefore--thank you--sharing the data with HHS is voluntary. Schools that already share their data analysis with the student identity removed--often happen with local health departments and community wellness programs, and the Division of Public Health already has good cooperation with individual school districts for select health data. The Division of Public Health's intention is to: set screenings and schedule based upon the American Academy of Pediatrics' recommendations, again, that's the handout you have; use adapted Centers for Disease Control tool or spreadsheet for collection of data; provide updated school health guidelines, guidelines to school administrators and nurses on how to administer their school health programs--it's this document here--and new health screening guidelines. One section of the overall guidelines are drafted and will be in public-comment period very soon. I have pointed out in my hearings that this process was halted until they felt the statute was brought up to date with current practice. I guess I would close by saying I got interested in this because it seemed very common-sense to me. We're talking about a statute that hasn't been updated, upgraded in decades. It appears that few, if any, schools are able to meet these very restrictive guidelines. It appears very few schools have had the opportunity to meet current practice and the science of child health. This would correct that. It also seems reasonable to give schools a little longer time frame as we yank expenses away from classrooms, or, excuse me, non-classroom staffing positions. We've put nurses in an uncomfortable position of having to not perform under the statute that's out there. This reflects updated medical practice rather than a focus on just these time frames. I'd ask for your support of LB713, and I'd be glad to answer any questions. There will be other testifiers who follow me who would also be glad to answer questions. [LB713]

SENATOR ADAMS: Thank you, Senator Gloor. Are there questions, committee? So Senator, I sense that this is, besides an updating, would it be fair to say that this is giving school districts some flexibility that they don't currently have, assuming that they're following the statute? [LB713]

SENATOR GLOOR: I believe that's true. It clearly spells out--and I can't be absolutely sure that they don't maintain currently some flexibility, but certainly within this update they will have the flexibility. There'll be a minimum standard, and they will be able to go above and beyond that minimum standard, do what they think is best in screenings for those children. [LB713]

SENATOR ADAMS: Thank you. Are there other questions? [LB713]

SENATOR SULLIVAN: Senator Adams. [LB713]

SENATOR ADAMS: Yes, please, Senator Sullivan. [LB713]

SENATOR SULLIVAN: Thank you. Senator Gloor, a couple of things. One is, in looking

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at the bill summary, there's a section that talks about language requiring "every child" to be inspected replaced with the term "child." Clarification on that. That, again, gives school districts more flexibility if there's some parental issues? [LB713]

SENATOR GLOOR: Well, those are some of the surprises that come back from Bill Drafters, as I recall. And I think it's just--I just think it's some wordsmithing in keeping with the overall tenor of the bill. I can't tell you, Senator Sullivan, that it specifically speaks to flexibility, but I do think there's a uniformity based upon previous language in there. I didn't read much into that, candidly. [LB713]

SENATOR SULLIVAN: And then the other issue, with respect to parents, is that I presume that this still allows that if a parent wants some additional screening for the child they still have that option? [LB713]

SENATOR GLOOR: I believe that would--I think the answer to that is yes, although I don't--there's nothing in this bill that I know of that allows the parent to demand that. But I would think any reasonable school district will sit down--the teacher, the administrator, the parent--and talk about the special needs of that child. Clearly in here it does say that school districts can, in fact, increase those screenings, both on an individual and group basis, if they feel there are specific needs for a student. [LB713]

SENATOR SULLIVAN: Okay. Thank you. [LB713]

SENATOR ADAMS: Any other questions? Thank you, Senator Gloor. [LB713]

SENATOR GLOOR: Thank you. [LB713]

SENATOR ADAMS: Are you going to stay around to close? [LB713]

SENATOR GLOOR: I will. Thank you. It depends on how long it goes, but I think I will, thank you. [LB713]

SENATOR ADAMS: Okay. We would begin with proponents of the bill first that would like to testify. Did you have things you'd like to hand out? [LB713]

TAMMY DEAN: (Exhibits 2 and 3) I do. You want me to do that now? [LB713]

SENATOR ADAMS: One of the pages would help you with that. Go right ahead. [LB713]

TAMMY DEAN: Members of the Education Committee, good afternoon and thank you for giving me this opportunity to speak to you in support of LB713. My name is Tammy Dean. I'm a school nurse and have been for 17 years at Bridgeport High School and

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Elementary School in Bridgeport, Nebraska. For those of you that don't know where that is, it's about 90 miles from the Wyoming border and 60 miles from the Colorado border. So I guess you could say I'm from rural Nebraska. [LB713]

SENATOR ADAMS: Tammy, could you spell your last name for the record, please. [LB713]

TAMMY DEAN: Yes. Dean, D-e-a-n. I love my job, and I love the children that I work for. And I am a member of the Central Nebraska School Nurses Association. I'm also a member of the Nebraska School Nurses Association and the National Association of School Nurses. Where boundaries--there are no boundaries; we all support each other and want to do what's best for the kids and our patients and our clientele. But as a representative of the central school nurses association, I have been asked to convey to you that the school districts and school nurses across the state are having great difficulty meeting the requirements of the present statutes as they are written. To give you an example of this--we have an annual summer school nurse conference, and at the last school nurse conference, Jan Thede from Grand Island and myself did a presentation on the present Nebraska statutes. And we asked all 175 school nurses to stand. We then said: Of you that are standing, how many of you are doing annual school nurses? (sic) I'm happy to report that 100 percent remained standing. Of those that remained standing we said: How many of you are doing every child every year for the conditions in the statutes? Approximately 30 percent to 40 percent of them remained standing; the others were seated. Of that 30 percent to 40 percent that remained standing we said: How many of you are finishing these within the first quarter? And two school nurses remained standing. I think I can attribute most of that to the fact that school nursing has been required to do a lot of things in addition to school nursing screenings now. And without risking or jeopardizing the care of the students and the screenings that we do based on the current practices that are recommended by the American Academy of Pediatrics, the CDC, and a lot of research that we've put into this for the last two years, we feel that we can confidently come up with a schedule that would allow us as school nurses to not just be responsible for screenings but also to participate in the other things that we are doing now, such as urinary catheterizations, insulin pump management, insulin administration. We're asked to be involved with crisis intervention teams, safety, and drug/alcohol prevention teams; we are asked to teach classes on HIV and AIDS. And for many of us, that means going from one school to another and not just in our own school system. I would also like to call your attention to the fact that every school district is different as far as the number of students we're responsible for. I'm in a very beneficial situation, where I am responsible for 500 students K-12 and we're all located within one city block. But that's not usually the case with most school nurses. They're usually, maybe, employed by the Educational Service Unit, and they have several schools to cover and within a lot of distances. So as school nurses, it is our desire to not abandon the present statutes, but as Senator Gloor stated in his statement, it is our desire to just update those based on what is current and sound

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practice for medicine within the schools or screening within the schools. So speaking for the CNSNA and for the Bridgeport schools, I did give you a letter from my superintendent that was signed; the purple and gold copy is the original copy, and the rest of them are black and white. The elementary principal and the high school principal also are in support of this change in legislature (sic), but we would like for the changes in these health needs for students from year to year to be acknowledged through the adoption of LB713. And I look forward to watching the Legislature proceed with this. Thank you. And if you have any questions for me about my district or the things that I do as a school nurse, I'd be glad to answer those. [LB713]

SENATOR ADAMS: All right. Thank you, Tammy. Are there questions for this testifier? Guess you're off the hook. [LB713]

TAMMY DEAN: Okay. Thank you. [LB713]

SENATOR ADAMS: Right. Thank you. Next proponent. [LB713]

JAN THEDE: (Exhibits 4, 5, and 6) Possibly that means then I'm off the hook as well since there were no questions. (Laughter) I do have some handouts if you wouldn't mind passing those out. Good afternoon, Senator Adams and Senator Gloor and members of the Education Committee. I appreciate your allowing me to be here to express my concern to be in favor of this bill. I also bring with me supporting testimony from Dr. Steve Joel, who is the superintendent of the Grand Island Public Schools, and supporting testimony also from the Nebraska School Nurses Association, from our president. My name is Jan Thede, T-h-e-d-e. I am school nurse at Grand Island Senior High. I have been there for 25 years. It is a school that has approximately 2,100 students, grades 9-12. Yesterday in my office I saw 104 of those students. I did no screenings yesterday. However, screenings are a very essential part of school nursing, and we can identify, then, those needs of students, and we can make proper referrals when we do do the screenings. However, they are very labor intensive, they can be burdensome, and they're irrelevant if they are not medically sound and consistent with current public health practice, are not gathered with reliable and valid tools by well-trained staff, and if the data gained from the screenings is not used to drive meaningful actions. And it's been already addressed--the fact that the current statute says that we will screen every child every year for every thing. And this is not practical; it is not useful; it is not necessary. And the academy of pediatrics supports that, as does my local pediatrician, who is the director of the school-based health center at Senior High, Dr. Higgins. It is not necessary. We need to stop removing children from classrooms to do screenings that are not meaningful and necessary, and I believe that this bill will allow us to do that. It has already been addressed what that scheduling will look like. We certainly support that time frame for scheduling. At the same time, though, the data that's gained from these screenings needs to be meaningful and useful. Much of the time the information that we gather goes only to the health record, and it goes no

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further. We need tools and methods to take this reliable and timely information--adhering to privacy laws, of course--to drive what we do to promote health for children in our schools, communities, and state. Of course, it also, as you pointed out, allows for more local control; and we would really, really appreciate that, that we can determine when it is that we can do our annual screenings so that we can use outside resources. Right now we are working with our dental hygienist who will help us do oral screenings and dental screenings. And we appreciate them. We use them as volunteers, and they're much more effective than I am in doing oral screenings. So we are very thankful that they can do that at this time of the year rather than the first quarter. So passage of this bill would allow for the development of rules and regulations that are relevant to the promotion of health in children, reflective of current medical and public health practices, achievable by schools, and meaningful in their results. Thank you for your time, and thank you, Senator Adams and Senator Gloor, for sponsoring this bill. We appreciate your being a voice for school health. If you have any questions, I would entertain those. [LB713]

SENATOR ADAMS: Are there questions? Yes, Senator Sullivan. [LB713]

SENATOR SULLIVAN: Thank you, Senator Adams. Just one clarification: You said that this proposed legislation will change the frequency of and the kinds of screenings that are done. Is that...? [LB713]

JAN THEDE: If I said that, I misspoke, as far as the kind of screenings at this time. [LB713]

SENATOR SULLIVAN: Okay. It's the frequency. [LB713]

JAN THEDE: It's the frequency. But it also--what it does is allows the department of health to have some flexibility for the future, that we don't have to come back when they want to change a scheduling to reflect what the needs are in the public health and in child development at that time. It just allows some flexibility. Right now we foresee no changes. Possibly, if we continue to have a problem with hypertension in our children, blood pressure might be one that is--I'm not sure how that's stated on there now. And of course, that hasn't gone to hearing, so we're not sure how that's going to fall out. But that might be something that we will do more frequently than we are now. [LB713]

SENATOR SULLIVAN: And it would be the Department of Health and Human Services that would determine that. [LB713]

JAN THEDE: Right, based on medical--good, sound medical research and what is common practice in public health. [LB713]

SENATOR SULLIVAN: So then, is there a circle, so to speak, as far as when the...you

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collect the data on the screening of the children, then that goes back to the Department of Health and Human Services? [LB713]

JAN THEDE: It goes nowhere right now, nowhere. [LB713]

SENATOR SULLIVAN: Okay, but how then does the Department of Health and Human Services determine if there need to be changes in the...? [LB713]

JAN THEDE: Well...absolutely. I mean, that's what we're hoping with this, with the data piece, that when it talks about that, they could provide for us tools and methodology of how we could gather that information and get it to them, get it to somewhere that it could be useful in making decisions for what needs to happen for promotion of health in our schoolchildren. Does that answer...? [LB713]

SENATOR SULLIVAN: Yes. Thank you. [LB713]

JAN THEDE: Okay. [LB713]

SENATOR ADAMS: Are there other questions? Let me ask the obvious. [LB713]

JAN THEDE: I'm...oh, I'm sorry. I might just... [LB713]

SENATOR ADAMS: No, you go ahead. Go ahead. [LB713]

JAN THEDE: I might just add...you had a question about if the parent came to you. We always respond to parent requests, parent needs. That's high priority to us; we take that very seriously. [LB713]

SENATOR ADAMS: Let me ask the obvious, just to be the devil's advocate for a moment. As Senator Gloor pointed out, this legislation originated a long time ago, to do these screenings. And I guess I just have to ask, do we still need to do screenings? [LB713]

JAN THEDE: For the population that does not receive medical care and have medical homes, definitely. One thing I might add is that all of the children that come to us from out of state and out of country, particularly that might be high-risk to bring us some type of contagion--they are required by law to have a physical; now they can sign a waiver. So those children are always covered. And when they get their physicals, they do get vision screening, so that is handled. Now do we need to screen those that go to the doctor almost every year, that already receive all of those types of screenings? Probably not. But the majority, especially as they get older, haven't been to a doctor for some time. And so I think, yes, we do need to continue but not with such vigilance as we have been required to do. And as Tammy pointed out, some of us are not doing it,

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because we can't. When you see 104 students in your office, when are you going to do screenings? The needs are huge out there in our communities for intervention for issues that are going on in health care of children. We don't always have time, and it is burdensome to do on the current schedule. [LB713]

SENATOR ADAMS: Okay. Other questions? Thank you then. Appreciate it. [LB713]

JAN THEDE: Thank you. [LB713]

SENATOR ADAMS: Other proponents? [LB713]

JUDITH ZABEL: (Exhibit 7) I'm Judith Zabel; I'm supervisor of health services with Lincoln Public Schools. I've been a school nurse for 22 years. Senator Adams, thank you for letting me testify today. And I don't know that I have a lot of new to add. I just will read what I have here. [LB713]

SENATOR ADAMS: Could you spell your name for the record, please. [LB713]

JUDITH ZABEL: I'm sorry. Zabel, Z-a-b-e-l. [LB713]

SENATOR ADAMS: Thank you. [LB713]

JUDITH ZABEL: Okay. I am speaking for the Nebraska Nurses Association, who also supports school nursing, the Nebraska School Nurses Association, and Lincoln Public Schools. Okay. I favor LB713 as introduced by Senators Gloor and Adams. The proposed changes relating to inspections by schools would allow school districts to accomplish the health inspections or health screenings--"health inspections," obviously, is a very old term--on a time line that meets the needs of the individual district and still serves the needs of students. The need to screen every student every year for every health issue is not a good use of instructional time, as was previously stated, nor does it meet current health or pediatric care guidelines. The rules and regulations can be developed--you have proposed ones in front of you--to assist school districts in setting health screening time lines and determine grade levels for screening which meet current health practices. I would be happy to answer any questions. [LB713]

SENATOR ADAMS: Great. Thank you. Are there questions for this testifier? I guess not. Thank you for being here--for being patient. [LB713]

JUDITH ZABEL: Okay. Thank you. [LB713]

SENATOR ADAMS: Are there other proponents? [LB713]

TRISH GUINAN: Senator Adams and members of the committee, my name is Trish

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Guinan, G-u-i-n-a-n. I'm the director of member rights of the Nebraska State Education Association. Dozens of these school nurses are members of our organization as well as valuable employees in their school districts, and we are in support of this bill. [LB713]

SENATOR ADAMS: Very good. Are there questions? Seeing none, thank you. Any other proponents? Proponents? Seeing none, I'll ask for opposition. Is there opposition testimony? Is there neutral testimony? [LB713]

JOHN BONAIUTO: Senator Adams, members of the committee--John Bonaiuto, B-o-n-a-i-u-t-o, executive director of the Nebraska Association of School Boards. This is positive-neutral. We looked at this bill, and the intent, I think, is the right intent: to improve the current practice, update the old law. Our ears always perk up when we hear things like local control and flexibility; we like that. And as we looked at this--and one of the things we watched for right away was: Are there any additional duties and expectations of the school districts? And it does not look like that is the case, and so there should be no fiscal impact. Anyway, that's the anticipation. And now we'll just watch the rule-making authority if this moves forward. With that, I conclude my testimony. Thank you. [LB713]

SENATOR ADAMS: That was positive-neutral, wasn't it? (Laughter) Goodness. [LB713]

JOHN BONAIUTO: I know. You've got to start somewhere with the process, because... [LB713]

SENATOR ADAMS: Okay. [LB713]

JOHN BONAIUTO: ...I'll probably darken your door at other times. [LB713]

SENATOR ADAMS: All right. Are there questions for Mr. Bonaiuto, any of you? I guess not. Thank you, John. [LB713]

JOHN BONAIUTO: Thank you. [LB713]

SENATOR ADAMS: Is there other neutral testimony? Is this positive-neutral? [LB713]

BRIAN HALSTEAD: I don't know, Senator. We'll see. Senator Adams, 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. I'm here in a neutral capacity on LB713. A couple things I wanted to point out. And what drew our attention at the department was the last line in the fiscal note, where it says that there will be "no fiscal impact for schools since current law requires the inspection of children for such defects and conditions," which is accurate. The statute requires an inspection; I believe it's for hearing and vision and dental. That's it. A couple years ago this committee and

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the Legislature added the language: and other conditions as determined by the Department of Health and Human Services, which I think Senator Gloor put up--at the moment what's a draft of their rules and regulations. I think we wanted you to be aware that if you're a school district that's not doing all of the suggested practices right now, there will be a cost to start adding some of those. For some school districts, that may not be much. But if all they're doing is what's currently statutorily required--the vision, the hearing, and the dental, and that's it...hopefully, they have decided to do more than that, but that's all the current statute does; there is no cost. So I guess, really, the true cost of this bill is going to be the rules and regs that HHS promulgates here in the near future, which, again, is not what this bill is about. We certainly support expanding the time period that the statute sets for getting this done in the first quarter. And we thank Senator Gloor for doing that--that's a good thing to do, to give schools that capacity. So with that, I'll end my testimony and take any questions you might have. [LB713]

SENATOR ADAMS: Are there questions for Brian? Yes, Brad. [LB713]

SENATOR ASHFORD: Brian, what about...I mean, these are fairly essential functions of learning--being able to hear and... [LB713]

BRIAN HALSTEAD: No doubt about it. I suspect that's why back in the nineteen-teens hearing and vision--key to being able to succeed in education. Absolutely. [LB713]

SENATOR ASHFORD: And if we put those off, are they...what impact could that have on learning? I mean... [LB713]

BRIAN HALSTEAD: I don't think the idea of this bill is to put those off but to probably let school districts prioritize, in the sense of during the school year, when these need to be done--instead of trying to get, if you're the Omaha public schools, 43,000 students screened in the first quarter as opposed to doing throughout the school year. [LB713]

SENATOR ASHFORD: But if they...I understand there are 43,000 people in Omaha public schools; thanks, Brian, for that information. But if a portion of 43,000 students are not able to hear properly or see properly and they wait until the fourth quarter of the year, have they not lost something in their ability to learn? [LB713]

BRIAN HALSTEAD: Sure. That certainly can happen with anyone. I would think, though, if you're a classroom teacher, Senator Ashford... [LB713]

SENATOR ASHFORD: Yes. [LB713]

BRIAN HALSTEAD: ...and you're noticing reading comprehension problems, you're probably already making a referral about--do we need to make sure this student gets checked for the hearing and vision earlier instead of the fourth quarter? But, yeah, that's

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going to be... [LB713]

SENATOR ASHFORD: I guess I understand the arguments for this from the nurses and so forth, and I think they do a great job, especially in dealing with the early intervention issues which are plaguing Omaha Public Schools, quite frankly, and other schools. But I also would be concerned a bit about not having those screenings done earlier rather than later. [LB713]

BRIAN HALSTEAD: Sure. [LB713]

SENATOR ASHFORD: Right? [LB713]

BRIAN HALSTEAD: I would agree with you. [LB713]

SENATOR ASHFORD: Okay. Thanks. [LB713]

SENATOR ADAMS: So, Brian, as I understand it, the screenings for vision--those things are going to happen. It's just that now, with the passage of this bill, there will be more latitude as to when it happens. But your caution is there may be more to this than just hearing screening. [LB713]

BRIAN HALSTEAD: Well, in the sense of what this Legislature did a couple years ago by adding the language about--and other things as determined by HHS--they have not yet promulgated that rule or reg. So there's no requirement that school districts do anything other than what the current statute says. Now, as I think you've heard from the testimony of some of the school nurses, they've been doing more than what those statutes require. It hasn't been required because of that and because of good medical practice and all of the reasons why they do what they're doing. So what this bill does that Senator Gloor has brought to you is get rid of the language that says it has to be done in the first quarter, when we were only looking at a vision, a hearing, and a dental. [LB713]

SENATOR ASHFORD: But is it the "that," or is it the vision and the hearing? [LB713]

BRIAN HALSTEAD: It would be any... [LB713]

SENATOR ASHFORD: Including vision and hearing. [LB713]

BRIAN HALSTEAD: Would also be done on a schedule set by HHS, I'm presuming, and their rules and regs. It wouldn't have to be done in that first quarter. Now, I suppose HHS in the rules and regs could keep that first quarter in there for the vision and the hearing. Again, that's what we'll have to wait to see when the regs are promulgated. [LB713]

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SENATOR ASHFORD: Okay. Thanks. [LB713]

SENATOR ADAMS: Thank you, Brian. Are there other questions for Brian? Thank you. [LB713]

BRIAN HALSTEAD: Thank you. [LB713]

SENATOR ADAMS: Is there other neutral testimony? Senator Gloor to close? [LB713]

SENATOR GLOOR: Thank you, Senator Adams, committee members. And I'll be brief. Senator Adams' question as to the need in this day and age for this was a great question and certainly one I asked myself before I decided to grab ahold of this. And what I ultimately came up against was a recognition, based upon some of my years in health service, that income levels don't necessarily determine the focus on a child's health within a family. How do you know which children need screens and which children don't need screens? It's certainly not income level. It becomes hard. And so the screens are done across the board for all children in Nebraska, knowing that some may well have parents who care about it, some may not. We cast a wide net, but I think we are comfortable doing that on behalf of Nebraska's children. This is an old statute. We're looking to update it with bringing in common science and practice. The American College of Pediatricians is the recognized specialist in children's health. And that will be the guidelines that are adopted by DHHS. I recognize issues behind time frames, as Senator Ashford has pointed out. But realistically, there are a number of factors that enter into this--who's available to provide those screenings, the times of year they're available to provide those screenings. Rather than continue to wink at the time frames we have in--to be more reasonable, to set a broader time frame, know that we can comply with that and not have schools out of compliance seemed also to make sense to me. I appreciate your questions. Good discussion about this. And I hope you'll feel comfortable supporting this bill. Thank you. [LB713]

SENATOR ADAMS: Thank you, Senator Gloor. Are there questions for the senator? Seeing none, then, thank you. [LB713]

SENATOR GLOOR: Thank you. [LB713]

SENATOR ADAMS: And that will close the hearing on LB713. And in just a second here we will begin the hearing on LB754. []

BREAK []

SENATOR ADAMS: Okay. We'll begin the hearing on LB754. And let me reiterate, for logistical reasons, may I see a show of hands of how many of you would like to testify

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today? Whoa. Okay. (Laughter) Well...and I'll be the last person to want to stifle testimony, but as we work through this, if you would, please, listen carefully to all the testimony, and if you feel as though there is nothing new that you could add, you're still welcome to testify, but give it a second thought, maybe? Particularly if we've been here for quite a while. That's just something to think about, and we'll try to keep things moving along, if you would. Senator Giese, you're the introducer. You're welcome to begin. [LB754]

SENATOR GIESE: (Exhibit 8) Thank you, Senator Adams and members of the committee. My name is Robert Giese, G-i-e-s-e, and I represent the 17th Legislative District, which includes Dakota, Dixon, and Wayne counties in northeast Nebraska. LB754 is designed to ensure that Nebraska's blind and visually impaired children graduate from Nebraska public schools with the ability to read and write in Braille and is being brought on behalf of the Nebraska Federation of the Blind. Fewer than 10 percent of the 1.3 million legally blind people in the United States are able to read Braille, and less than 10 percent of the blind and visually impaired children are currently learning it. Instead, many of these children are being asked to rely on audio texts, voice-recognition software, or, in the case of partially blind children, large print. The problem with the lack of Braille instruction is twofold. First, instruction in Braille is directly linked to employment for blind adults. Overall 70 percent of blind people are unemployed, but those who were instructed in Braille are far more likely to be employed and be able to live independently. Just 44 percent of blind adults who grew up reading Braille are unemployed, compared to 77 percent unemployment for those who relied on print. Second, increased reliance on technology and large print leaves many blind people illiterate. In particular, children who have some residual vision and are partially blind are likely to be taught using large print. When their vision deteriorates further with age, these adults are left unable to read or write at the time of their life in which learning Braille is far more difficult. LB754 seeks to address this problem in two ways. First, instruction in Braille would become the default standard under the individualized education program for blind and visually impaired students. In the event that the student's IEP team feels that instruction in Braille is not appropriate, the student's parents would be able to have instruction in Braille continue while that initial determination is being challenged through the appeals process. Second, the bill would ensure that students learning Braille have appropriate materials and qualified instructors. Under LB754, teachers under contract with a school district, ESU, or other education agency to teach blind or visually impaired children would have to demonstrate competence in Braille before being certified by the National Blindness Federation Certification Board. The introduced copy of the bill also allowed for the Nebraska Department of Education to develop their own Braille competency test, a provision which would have created a fiscal impact. The committee should have received a copy of the amendment which would strike that state test and should eliminate any fiscal note. Thank you for your time, and I would be happy to answer any questions. [LB754]

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SENATOR ADAMS: Thank you, Senator Giese. Are there questions for the senator? Backing up just a moment, Senator Giese, to the fiscal note, then, tell me again. This amendment that you have prepared eliminates the fiscal note. Is that what I heard you say? [LB754]

SENATOR GIESE: This would strike the fiscal note because there would no longer be a...the Department of Education would not have to establish a Braille competency test for these individuals, so therefore the fiscal note goes away. [LB754]

SENATOR ADAMS: Okay. Are there questions for Senator Giese? If not, we will begin with proponents to the bill. [LB754]

AMY BURESH: Good afternoon. Senator Adams and members of the committee, my name is Amy Buresh, and this is my husband, Shane; it's B-u-r-e-s-h. Live at 6210 Walker Avenue. We're here representing the National Federation of the Blind of Nebraska. I am the president of the state organization, and Shane is the president of the Lincoln chapter of the National Federation of the Blind of Nebraska. We want to give a... [LB754]

SENATOR ADAMS: Amy. Amy, if you'll wait just a second, we're going to get a chair for Shane to sit in too. [LB754]

AMY BURESH: All right. Thank you. We want to first of all extend a special, big thank-you to Senator Giese for your excellent introduction and for all of your support in helping us to address this critical issue. As you have heard, this is a nationwide crisis in the education of blind children, and so the state of Nebraska is not alone. Ninety percent of students in the United States are not receiving Braille instruction that they need to ensure their success in life and employment as successful adults. There's been a lot of extensive research done, in particular by Dr. Ruby Ryles from Louisiana Tech University. And she's found that 90 percent of successfully blind employed persons are fluent in Braille. We feel that this legislation will strengthen Rule 51 and ensure that Braille instruction provided to blind children in Nebraska is of the highest quality. Hours of Braille instruction will be increased, enabling blind children to keep at a level equal to their sighted peers. Nebraska will become a part of a national electronic media repository, which will strengthen the process already in place that will ensure quality Braille-ready material will be provided to blind students at the same time as the print materials to their sighted counterparts. And this is a critical piece. So many times we've had parents come to us--as we represent the largest and oldest consumer group, speaking for ourselves--we've had parents and students come and say: I wanted my child to learn Braille, and the learning media assessment and the team says no; and so we weren't being taught. And then time goes by. The process is slow, and time--valuable, critical time--is wasted. And so with this legislation, then, during the appeal process following the decision not in favor of the child learning Braille, Braille

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would be the default media taught, rather than waiting, you know, and letting all this critical time pass by. This will require all who instruct children in Braille to be certified by the National Certification in Literary Braille, which is the only national standard certifying teachers in this, and will ensure that they have the necessary knowledge and skill to provide competent instruction. You know, as a mother of a 3-and-a-half-year-old, been thinking about this a little bit. And I would ask those of you on the committee who are parents, you know...would it be acceptable to you to have your child taught print by those who don't hold certification or whose...who...it's just based on only, you know, maybe, a few hours of training or online course without any actual in-person instructor or having gotten your hands on actual Braille? And that's really critical, I think. The National Certification in Literary Braille does this very efficiently and I think would be a real benefit to our teachers. Just really quickly, to compare and contrast our individual stories, I was taught Braille; I was very fortunate. I started learning it when I was 4 years old and read at a competitive level with my sighted co-workers and my peers. And my husband, who had some remaining residual vision, was taught to use large print, which worked for him for a time. And then as he began to lose more of his vision, he had to learn Braille at a later date, when he was a junior in high school, and putting him at a great disadvantage. [LB754]

SHANE BURESH: Members of the committee, I appreciate your taking time and attention to this, and Senator Adams as the Chairperson. As Amy said in our personal stories, I learned Braille much later. And as you will see, she read from an electronic note taker while I don't actually have any notes in front of me. One of the reasons for that is, while she can read Braille at about 300 words a minute I can only read at maybe 125 words a minute, to the point that if I made an outline for myself in a situation like this, much of my energies would be devoted to concentrating on what I was attempting to read in Braille and would distract from my comments. So you can see why we're bringing a bill like this forward. As someone such as myself, while I do know Braille and I would fall under that 90 percent category--I can still read to my son and things of that nature--but there is still a real impact on my professional abilities or things that I may be able to do. I do happen to be a certified teacher of the visually impaired in Nebraska as well as a certified special education and math instructor, so certainly, you know, Braille has been very critical in me being able to accomplish a number of things. But as we say, all of the aspects of this bill come from people--parents, students, and even sometimes other teachers of blind students in Nebraska with various issues. So, for example...and I know they're very, at times, challenging for those of you who aren't necessarily immersed in our world to understand kind of the intricacies of the situation. But for a person to have a Braille text, for example, you have to somehow have that text be electronically provided and then ran through a software; or someone could Braille it by hand, of course. But there has to be some mechanism for translating all of those--that text into Braille. The reason we're asking for the provision of the national repository is that we would better be able to ensure the quality of Braille. It's not just literally getting Braille in the hands of students in a timely manner--but quality Braille.

There are certain conventions--not unlike what we have in print with headlines or headings or things we have students detect through their hands--on being able to navigate a textbook...that some school districts are just literally cranking out Braille, which if they don't know how to do the formatting literally runs sections...a table would come out where there's no spacing between the columns, for example. So there's a number of those issues. As Amy very adeptly addressed, in the IEP process, we would like you to consider in this legislation the idea of teaching Braille till the point that the appellate process could go through. You can imagine that sometimes there's six months to a year that it could take for a school district and a family, perhaps, to negotiate out all the various points of that process. And, you know, we're not talking about maybe labeling someone a certain thing. We're talking about someone's ability to read and the critical time which would be lost if, you know, we stick to large print or some other method. And in talking about our personal stories, as Amy said, I learned Braille much later. But it's not that it was, like, all of a sudden I became blind and learned Braille; there are so many aspects that go into all of these things. And, of course, the teachers here in Nebraska do do a tremendous job of trying to determine who should and shouldn't learn Braille. The problem is with the process right now is that what is called the learning media assessment or what medium should a student use. That often comes out weighing heavier toward print. And one of the reasons that is is that at that time in a person's life--if you snapshot any portion of your life, you might be able to do something effectively. But, like, in my case, by the time that I lost my vision in the ninth grade, I was reading print at about 50 words a minute, and you can imagine that my peers were probably reading 250 words a minute. And I was using a television type of device that hurt my eyes so that I could only, maybe, read for 15 minutes at a time. I was already starting to do things more or less orally, having people read to me or through cassettes or things of that nature, which, there again, that cuts down on your ability to spell. And there's something interactive about, you know, being able to read. So the point is not really just--print is going to work, or Braille is going to work. There is a continuum, and we would like to see Braille be given equal weight in that continuum, so that students who even can function with print--we know oftentimes they may not be later in life, and so therefore they would, you know, have a plan B, even if it were for Braille instruction or if they had Braille instruction, rather. [LB754]

AMY BURESH: Yeah, we find oftentimes print and Braille for students go hand in hand. And in the best-case scenarios, students are taught both, and they learn both efficiently, in the best-case scenarios, so that they can make the choice, then, as they get older or their vision changes or in different conditions, different settings what's going to be the best tool for them to use to make them the most efficient and competent, competitive adults that they can be. [LB754]

SHANE BURESH: The test that we're asking for teachers to be certified under, the National Certification in Literary Braille, is a test that was developed many years ago by the Library of Congress and has recently been reworked and field-tested on hundreds of

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people all over the country. And it would really be exciting to know that Nebraska would be, if not the first, one of the first states that all teachers would be certified in that test. And that would be a real boon toward leadership in the blindness field, I think, for our state. One of the things that that test ensures is that not only do teachers know the ways in which--or the rules and the ways in which to use Braille, but it also proves that they can read Braille and write Braille, including a device called a slate and stylus, which is kind of like a pencil-and-paper version of us being able to do Braille, which currently teachers in Nebraska do not have to prove that they have proficiency in. [LB754]

SENATOR ADAMS: Shane and Amy--right? Did I get your names right? [LB754]

AMY BURESH: Yeah. [LB754]

SHANE BURESH: Um-hum. Um-hum. [LB754]

SENATOR ADAMS: Well, we don't often have two testifiers at the same time, so I just kind of rolled together your five minutes, and we're somewhere out there. So I'm going to ask now if the committee has any questions for you. You seem very knowledgeable in this subject. Senator Sullivan. [LB754]

SENATOR SULLIVAN: Thank you, Senator Adams. Did I understand you correctly that, to the best of your knowledge, when parents of a blind student have requested Braille be taught, in their IEP, in some cases they've been turned down and that's not been made available? [LB754]

SHANE BURESH: Yes, that can happen. There...like any form of identification for service delivery, there is testing that needs to be done. In the case of whether or not a student learns Braille, there's a thing called the learning media assessment. It's an actual instrument or a tool that takes into consideration print size, so a number of different sizes of prints are tried--a number of different contrasts, you know, white on black, black on white, a variety of colors. You test the student under different lighting conditions, duration of reading. Whenever possible, functional things, you know, being able to read the newspaper versus, you know, text, those kinds of things. And after that, the team would come up with a recommendation. Now, like I said, one of the things that isn't often tested very thoroughly there, for just a quick example, is the duration of reading. So someone in my position, as I indicated, who had 20 over 800 vision, would have still been taught print after that learning media assessment, because I could still at least receive print. And so therefore it would have been up to my parents to, in that IEP process, to say: Wait, we want to more strongly consider Braille. I hope that answered your question, Senator. [LB754]

SENATOR SULLIVAN: Well, so then would that been made then accessible to you, if

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your parents had requested that? [LB754]

SHANE BURESH: I think the answer to your question would be not if the team in that learning media assessment did not determine it to be the primary medium that would be good for me. [LB754]

SENATOR SULLIVAN: Okay. [LB754]

SHANE BURESH: No, I wouldn't have been offered that. [LB754]

SENATOR SULLIVAN: Okay. Thank you. [LB754]

SENATOR ADAMS: Other questions? Senator Haar. [LB754]

SENATOR HAAR: Thank you. Could you just tell me, please, how are blind children now educated in small schools? [LB754]

SHANE BURESH: There are a number of different strategies that are used. Primary among them are...a number of the ESU units will have a teacher of the visually impaired, which is in an itinerant setting. Therefore, that's one of the things that, you know, we're addressing in this bill, is trying to get the reading frequency up. You know, where sighted students might get four to five hours of instruction a week in print, some of these students are getting, you know, maybe one hour every week to two weeks. And we know that we'll have to do a lot of strategizing together to solve the problem. But right now, a number of smaller school districts are doing that in the ESU setting. Or there is also the Nebraska Center for the Education of Blind and Visually Impaired Children, the former residential--well, there still is a residential component--but what you may have known as the residential school in Nebraska City. And those...there are individuals there that also travel the state as itinerants and can provide instruction. Some school districts also will co-employ people or share amongst several school districts. [LB754]

SENATOR HAAR: Okay. Thank you very much. [LB754]

SHANE BURESH: Um-hum. [LB754]

SENATOR ADAMS: Other questions? Shane, let me...I have one question for you. You said you're a certified special education teacher. [LB754]

SHANE BURESH: Um-hum. [LB754]

SENATOR ADAMS: Is that correct? [LB754]

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SHANE BURESH: Um-hum. [LB754]

SENATOR ADAMS: So have you been involved personally in some of these IEPs for your students? [LB754]

SHANE BURESH: Well, at the moment I am employed at a state agency called the Nebraska Commission for the Blind. [LB754]

SENATOR ADAMS: Okay. [LB754]

SHANE BURESH: So I do most certainly participate in IEP processes, but I am coming in more as an adult service provider during what is called the transition process. When students are going to be aging out of the school system, it is required by law that someone from an adult rehabilitation agency come to the IEP. So I come now more as an advocate of the family or helping them--the students--get connected with adult services. [LB754]

SENATOR ADAMS: All right, fair enough. The learning medium assessment that you have talked about more than once... [LB754]

SHANE BURESH: Um-hum. [LB754]

SENATOR ADAMS: In and of itself, is it a valid assessment? Is it the timing that's the issue? Is it the frequency of the assessment? Is it the assessment itself? [LB754]

SHANE BURESH: I think it's...certainly there are a few others who are going to testify after me that might be able to address this. [LB754]

AMY BURESH: Yes. I was going to say we have a teacher here who maybe could better address that question. [LB754]

SHANE BURESH: But I think the instrument itself is fairly valid; I think that maybe there are certain components we would like to see tested a little more thoroughly throughout that process. I think that print is given, maybe, a weightier opportunity--under lighting and all kinds of different conditions--than Braille is, I would say. [LB754]

SENATOR ADAMS: Okay. Fair enough. Thanks to the two of you. [LB754]

AMY BURESH: Thank you. [LB754]

SHANE BURESH: Thank you. [LB754]

AMY BURESH: On behalf of the blind children of Nebraska, we thank you for your time

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and for giving us the attention today. [LB754]

SENATOR ADAMS: You're welcome. You're welcome. [LB754]

SHANE BURESH: And we're certainly available, you know, after this hearing if you have any questions. [LB754]

SENATOR ADAMS: That could be important to us; I appreciate that. We would take our next testifier, please. [LB754]

BARBARA LOOS: (Exhibit 9) Okay, I have my sign-in thing and...chair is a little slippery there (laugh). Okay. [LB754]

SENATOR ADAMS: We're ready when you are. [LB754]

BARBARA LOOS: Okay. Good afternoon. My name is Barbara Loos, B-a-r-b-a-r-a L-o-o-s; I'm here today to speak in favor of LB754, the Blind Persons Literacy Rights and Education Act. I'm a lifelong blind person whose formal education included graduating first from what is now the Nebraska Center for the Education of Children Who Are Blind or Visually Impaired, NCECBVI, and then from the University of Nebraska-Lincoln with distinction, certified to teach secondary school English. Shortly thereafter I began working with other blind folks of all ages, both professionally and personally. In all of those capacities, some of which I listed in my written testimony, Braille has been absolutely vital. I've been reading it for more than 50 years. It's the key not only to my own literacy but also to that of blind people everywhere. The genius of Louis Braille, its blind inventor, is that almost 200 years ago he thought outside the box. Recognizing that an alphabet and numerals developed for the eye, as he put it in his...a translation of his diary, didn't work for the blind, he concluded the solution, then, rests with a device that has nothing to do with the eyes. Thus the system he created, which still bears his name, is an alternative to, not a substitute for, print. Five days ago, in his State of the State address, Governor Heineman focused on three priorities, one of which was strengthening Nebraska's education system so that all students can compete in the 21st-century economy. He said, in part: "For all students to succeed, Nebraska needs a common set of career-ready and college-ready academic standards....Student success in the classroom is directly related to quality teachers and increased parental involvement....Increasing student achievement means Nebraska needs a high-quality teacher in every classroom, a high-quality principal in every school, and a high-quality superintendent leading every school district....With innovative and creative thinking, we will expand learning opportunities well beyond the traditional school day and school year....Change of this magnitude will require a redirection of current financial resources at the school district level, including diverting resources from lawyers and lobbyists to the classroom. It will require a continued prioritization of state resources, and I will continue to prioritize education. The focus must be on student learning, both individual

achievement and student growth....Now is the time to focus our attention on building an education system that meets the needs of modern students competing in a modern world." These statements sound great, but does "all students" include blind ones? Will the strengthened academic standards include them? Will their teachers, principals, and superintendents be expected to provide high-quality instruction to them? And will their parents be encouraged to be involved? Will the innovative and creative thinking embrace them? What about the redirection of current financial resources at the school district level? Will that impact positively upon them? Will their individual achievement and student growth be prioritized? In short, will they be among those whose educational needs will be met so they can compete in the modern world? Over and over again, we raise questions like these. Over and over again, the answer remains: Not yet. We come before you today because we believe that LB754 can both bring us closer to achieving these goals and reinforce existing legislation. Braille should be the default reading and writing medium for blind students, because 90 percent of employed blind adults use it on the job. Teachers of the blind should be certified in reading and writing Braille for the same reasons that teachers of sighted students are expected to know how to read and write print. Students should be spending more time integrating Braille into all aspects of their school day with help from qualified instructors, because practice makes proficient. And we need a central place for distributing Braille-ready materials in order to ensure that blind students receive quality Braille. I elaborate on this last point in my written testimony and encourage you both to read it and consider what I say there. In closing, let me say that both you and we understand that LB754 won't single-handedly resolve the multitude of issues facing blind students and those educating them. But we do believe it is a step in the right direction. I therefore urge you to pass it out of this committee and do everything you can to make it law. [LB754]

SENATOR ADAMS: Thank you, Barbara. [LB754]

BARBARA LOOS: Thank you. If you have questions, I'd be glad to... [LB754]

SENATOR ADAMS: Your timing was good. You must have practiced. (Laughter) Are there questions for Barbara? Senator Haar. [LB754]

SENATOR HAAR: Yes, thank you. Barbara, under LB754, would you see a Braille-certified teacher in every school, or how would that work, again, when we get to smaller schools, smaller school districts? [LB754]

BARBARA LOOS: Where there are blind students, there would need to be a way of working that out. As Shane mentioned, sometimes districts will co-hire somebody, you know, to work with multiple districts. And, you know, while it may not be absolutely ideal, it is a step in the right direction. And, you know, of course, one of the things that's changed...it used to be that we would hope to have actual Braille volumes of books here or there or whatever. Now, with electronic media and things where we can get the

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things in Braille-ready format--when a student needs it, that's when it can be produced. And so we don't expect that all 253 school districts are going to have teachers of blind students waiting around for a blind student or a low-incidence disability group, and we know that. But we do expect to have that available to students when the need is there. And this isn't the only area in which that kind of thing happens. You know, there are other things that happen in schools that aren't always there, but when the need is there, there is provision. And that's what we're expecting. [LB754]

SENATOR ADAMS: Other questions? [LB754]

SENATOR HAAR: Yes. [LB754]

SENATOR ADAMS: Senator Haar, go right ahead. [LB754]

SENATOR HAAR: Do you have an idea of how many blind children there are in Nebraska right now in the K-12? [LB754]

BARBARA LOOS: No, I don't. I'm not a teacher currently. I do a lot of, you know, I do mentoring and stuff like that, but I'm not into the statistical thing. (Laugh) [LB754]

SENATOR HAAR: Okay, I can probably ask that of someone else. [LB754]

BARBARA LOOS: Yes. [LB754]

SENATOR HAAR: Thank you very much. [LB754]

BARBARA LOOS: Thank you. [LB754]

SENATOR ADAMS: Are there other questions? Apparently not. Thank you, Barbara. [LB754]

BARBARA LOOS: Thank you. [LB754]

SENATOR ADAMS: Can we have our next testifier, please? [LB754]

KIM ADAMS: (Exhibit 10) Good afternoon. I'm Kim Adams; that's K-i-m A-d-a-m-s. I'm in special education, an itinerant teacher of blind children. I've been teaching for 36 years in the public school system. I do my best work with little kids, so this is a new adventure for me. (Laugh) [LB754]

SENATOR ADAMS: We're little kids at heart. Go ahead. [LB754]

KIM ADAMS: Presently I'm serving as part of a team of 18 teachers from across the

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United States, and we are developing a new assessment tool for IEP teams to use regarding what is the best reading medium for blind and low-vision students. I'm also part of a Braille research consortium that is bringing together Braille researchers from across the United States and internationally to Colorado to make sure that we get the latest on Braille research and do the best that we can in education for our blind students. I'm just addressing Sections 3 and 6 of the part of the bill. And I believe that teaching Braille as early as possible is the best way to go with children. I know that over the course of my teaching career that students who I taught Braille in their very early years were able to complete the same level of work as their sighted peers, whether they were in a regular classroom or a resource room. Those students who came to me who were older, who were relying on the residual vision and had no Braille practice before that, usually struggled a lot, and some just struggled all the way through their whole high school education; some never were able to read commensurate with their peers. And I do know that the sighted kids would pick up books, and they would read things; they would read magazines. And I know that the low-vision kids that I taught who were not reading at a speed commensurate with their peers would not pick up a magazine; they would not pick up a book; they didn't do the extra reading to help them be educated. So, therefore, I really do support Braille education as early as possible. And in Section 6, presently there are approximately three dozen university training programs around the United States, and there are no uniform standards right now for teachers to be qualified as Braille instructors. And I know that in October when I got together with those 18 teachers from around the United States, that one of our issues that we talked about was that some people had to transcribe from print into Braille some sentences; some people had to actually use a Braille writer; some people were put into a room with a proctor. So all over the United States there's very different standards as to how a teacher gets Braille-certified. We all decided that we would go back to our states and really make an effort, if we possibly could, to make sure that teachers took the National Certification in Literary Braille, so that across the United States everybody would be highly qualified. And I think with No Child Left Behind that that is an important step for the blindness profession to take. So I do support that part of the bill. Thank you. [LB754]

SENATOR ADAMS: Thank you. Are there questions for Kim? Senator Haar. [LB754]

SENATOR HAAR: Yes, thank you. My grandfather was deaf, and his hobby was translating the Bible into Braille, and I don't know how many Bibles he produced, but tell me about the technology today. One of the things the Governor talked about is better use of technology. What's the technology that's available? [LB754]

KIM ADAMS: Well, there are a lot of different technologies, as far as producing Braille. There are disks that you can get that have either print or large print or Braille capabilities on a disk. And you can--from taking that, then you have to format the material and edit it and make sure that it's come out right into the right form of Braille. That's part of what the NIMAS act is about. So...but you do have to have a Brailist who

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knows how to read what they produce, because oftentimes with technology there are mistakes. So you do have to know Braille in order to edit it to make sure that students are getting qualified Braille. As you saw, some people here had note takers; they can put information into their machines, and down at the bottom there's a little strip, and Braille comes up underneath with little pegs so that they can actually read their Braille right off their note takers. So those are some things with technology. [LB754]

SENATOR ADAMS: Senator Sullivan. [LB754]

SENATOR SULLIVAN: Thank you, Senator Adams. Did you mention where you teach? [LB754]

KIM ADAMS: Fremont. [LB754]

SENATOR SULLIVAN: Fremont. And...so are you a certified Braille instructor? [LB754]

KIM ADAMS: Yes. [LB754]

SENATOR SULLIVAN: So... [LB754]

KIM ADAMS: But I'm not certified through this new system. I was certified through the Library of Congress back many, many years ago. So it's a different certification process now. They require a lot of different things that I did not have to do. [LB754]

SENATOR SULLIVAN: And you work with the Fremont school district, and do you have blind students there? [LB754]

KIM ADAMS: Oh, yes. Yes. We've had anywhere from 5 to 16 students. [LB754]

SENATOR SULLIVAN: Okay. [LB754]

KIM ADAMS: Um-hum. [LB754]

SENATOR SULLIVAN: And you mentioned that you've either participated or worked with the Braille research; I mean, what...does the research talk about different alternatives--Braille versus other ways? Or, I mean, I'm trying to get a sense of...obviously you feel strongly that Braille is the route to go in terms of teaching reading to blind students. [LB754]

KIM ADAMS: I feel that any child that comes to me who is struggling with reading visually, especially at a young age, is going to have difficulty keeping up when they get into seventh grade. When they get into high school, it's going to be even worse, because the subject matter gets harder; the sessions get longer. And so

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therefore...sometimes I have students who read both print--large print--and Braille, but they learned both so that they have the ability to switch if they need to have their eyes have a rest. [LB754]

SENATOR SULLIVAN: Do you have...is there a network of Braille-certified teachers here in Nebraska? [LB754]

KIM ADAMS: Well, there's a network on the Internet that we all belong to that we can ask questions of. And we have fall and spring meetings down in Nebraska City, where we can all gather and talk and bring up issues. Yes. [LB754]

SENATOR SULLIVAN: So would you say that there are Braille-certified teachers scattered all across the state? [LB754]

KIM ADAMS: Well, yeah, I don't know if they've been through the national certification; they've been through their programs in their states that qualified them. [LB754]

SENATOR SULLIVAN: No, I mean within Nebraska. How many...? [LB754]

KIM ADAMS: Are you talking about the national literary Braille? [LB754]

SENATOR SULLIVAN: Um-hum. [LB754]

KIM ADAMS: I don't know how many teachers in Nebraska are presently certified through that. [LB754]

SENATOR SULLIVAN: Okay. Okay. Thank you. [LB754]

SENATOR ADAMS: Other questions? Kim, I have a couple of quick ones. Tell me about...you mentioned at the outset of your testimony the development of a new assessment tool? [LB754]

KIM ADAMS: Yes. [LB754]

SENATOR ADAMS: Could you talk about that, and weigh it up against the learning medium assessment that's currently used. [LB754]

KIM ADAMS: Yeah. Actually, if you wouldn't mind me reading something short to you? [LB754]

SENATOR ADAMS: If it's short. [LB754]

KIM ADAMS: This is from Stuart Wittenstein, and he's the superintendent of the

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California School for the Blind. And he says: We fixed the problem of the decline in Braille literacy in federal law 12 years ago, so why isn't it fixed? Why haven't we seen an increase in the number of Braille readers being reported? Why are families still telling me that their children are being denied Braille and no one is sharing assessment data and if there are assessment data, those data are being used to rule out Braille? Our field is using the learning media assessment process properly...are we using it properly? Are we including family input? Are learning media assessments taking future needs into account? Are LMAs finding that young readers, when print is large and reading passages are short, use print efficiently without considering secondary school and higher education reading loads? Are school districts using the results of learning media assessments to push off teaching of Braille until the student becomes someone else's responsibility, even though we know that younger children learn it more readily? Have the learning media assessments become the tool which rules out Braille for children with low vision, rather than assessment which provides data with which we make sound decisions? And he says: The parents who call me don't think so. But...and that's why the 18 teachers of us were getting together, because we feel that our learning media assessments do need work and that perhaps if we come up with a better tool, more children with low vision will be identified as needing Braille. [LB754]

SENATOR ADAMS: So you would contend that not only is the assessment we currently have weak, but would you also agree with some earlier testimony that the timing of the assessment becomes problematic as well? [LB754]

KIM ADAMS: Yes. It's critical, I believe, to have the assessment when children are young. [LB754]

SENATOR ADAMS: Let me ask you a very pointed question. I realize you're from Fremont, and you may not have any knowledge of any other school district in the state. I'm going to guess that you're sitting in on IEPs in Fremont, and you're making strong recommendation for Braille intervention early on. [LB754]

KIM ADAMS: Correct. [LB754]

SENATOR ADAMS: Are you the exception to the rule across the state? [LB754]

KIM ADAMS: Many of the people behind me would say yes. [LB754]

SENATOR ADAMS: Would you have any background to be able to say that. [LB754]

KIM ADAMS: I don't know; I do what I feel is natural. As...if I was their parent, if that was my child sitting there, what would I want? I would want them to be literate. And if that meant Braille and large print or only Braille or only large print, that's what I would want. So yes. [LB754]

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SENATOR ADAMS: All right. Thank you. Are there other questions? Thank you then. [LB754]

KIM ADAMS: Thank you very much. [LB754]

SENATOR ADAMS: Next testifier. [LB754]

MARIA HERNANDEZ: (Exhibit 11) Hello. Hello, my name is Maria Hernandez; it's M-a-r-i-a H-e-r-n-a-n-d-e-z. I went through the public school system, so I kind of have an idea of some of the topics you guys have talked about. I was classified as low vision, so I was never...when you go through the IEP and they see you have some type of vision, they automatically kind of put Braille aside. So I was never given the option to learn Braille; it was never offered to me as an option. So one of the things--sorry, I'm horrible with names--that you mentioned earlier was technology... [LB754]

SENATOR HAAR: Yes. [LB754]

MARIA HERNANDEZ: ...and what technology is there now. There's the argument that we don't need Braille anymore because we have so much technology. And that would kind of be like saying: What if, you know, the public school system decided we don't need to teach our kids how to read and write anymore because now we have computers, and we have, you know, all these digital media. And, of course, the argument is: That's ridiculous; we need to teach our kids to read and write regardless if there's, you know, media that they can listen to and they can do all this stuff for. So I guess in my personal experience, since I was not taught how to read Braille, I definitely struggled through school. I had to constantly self-teach myself; I couldn't see the board. And I would say I was one of the lucky ones, because I continued on, and I went to college. But if you look at statistics about blind students, especially those that are legally blind, a lot of them drop out of school because they just find it too difficult and...because you are considered legally blind and not completely blind, there's this idea that: Oh, no, don't read Braille, because you don't need it. So I think what this law is trying to do is trying to make it more available to students as an option, as...they were mentioning making it a default, not a: Well, let's assess you, and let's assess how good you could read print in certain light and, you know. It doesn't matter if you can read...you know, I could read good print, you know, 25 font. Is that going to help me in my day-to-day...? No, because that's not accessible; that's not, you know, practical. I could read print better when it's darker, so, you know, everywhere I go, should I turn off the lights? That's not a reasonable measure. So I guess I'm just here trying to say as a student...my experience and other students' here who were taught Braille as a child...I'm sorry; I'm just nervous. [LB754]

SENATOR ADAMS: It's all right. [LB754]

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MARIA HERNANDEZ: And just...there's a huge, huge difference. It...I'm sure you guys have children and grandchildren, and I guess what it really comes down to is: What if your child was denied the right to read and write? So that's it. [LB754]

SENATOR ADAMS: Okay. Fair enough. Are there questions? Well, thank you for your testimony. Appreciate it. Next testifier. Next testifier. [LB754]

MATTHEW PETTIT: (Exhibit 12) Everybody ready? [LB754]

SENATOR ADAMS: We're ready. (Laughter) [LB754]

MATTHEW PETTIT: Okay. Hi, I'm Matthew Pettit, M-a-t-t-h-e-w P-e-t-t-i-t--and 1740 South 23rd Street, Lincoln, Nebraska 68502. I am deaf/blind. I'm here to ask...I'm sorry; I'm in 11th grade. I'm here to ask you to support LB754. I did not learn much Braille in elementary and middle school and did not get a lot of material in Braille. So I got behind in class a lot. When I got to high school, I got a vision teacher that understood that Braille was important. She is helping me become a better Braille reader. It would...it will...excuse me. It's going to take me longer to graduate, but I will graduate eventually or never. Kidding. Please support LB754. Thank you. [LB754]

SENATOR ADAMS: Thank you, Matt. And I bet you will graduate. [LB754]

MATTHEW PETTIT: Okay. [LB754]

SENATOR ADAMS: Do any of you have questions for Matthew? Well, thank you for coming up and testifying today. [LB754]

MATTHEW PETTIT: You're welcome. [LB754]

SENATOR ADAMS: It's important to us. Additional testimony? [LB754]

ATTY SVENDSEN: (Exhibit 13) Do I pass them over here? Thank you. Thank you for hearing me today. My name is Atty Svendsen, A-t-t-y S-v-e-n-d-s-e-n, and I reside at 1033 North 90th Street in Omaha, Nebraska. When I first heard about this last week, I was really nervous; I wanted to come up and talk and... [LB754]

SENATOR ADAMS: Atty, I'm going to interrupt you for just a second. Could you slide over to your right just a little bit so you're closer to the microphone? [LB754]

ATTY SVENDSEN: I can. [LB754]

SENATOR ADAMS: There you go. Perfect. [LB754]

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ATTY SVENDSEN: Thank you. [LB754]

SENATOR ADAMS: Sorry to interrupt you. [LB754]

ATTY SVENDSEN: All right. Whew! (Laughter) [LB754]

SENATOR ADAMS: Now that was meant to also relax you, not cause you more stress. [LB754]

ATTY SVENDSEN: Oh, well, I was really nervous, and then I thought: Well, I'm meeting in a room full of people who have the same feelings that I do, that we're all here because we care about kids; we care about teaching them and giving them the opportunities that they need to prosper in this world. And so instead of being nervous, I decided I would just share a few things about myself. [LB754]

SENATOR ADAMS: Perfect. [LB754]

ATTY SVENDSEN: I turned blind because of an accident. I was 3 years old, and I fell out of a second-story window and landed on my head on a car and bounced off. Well, the doctors and my mother and the nurses, they were just astounded that I was unharmed until, of course, I started school a few years later. And they realized that because I was having difficulty reading...they didn't even notice at first until I would take my book at night and read it and memorize it, so the next day in class I could read like the other kids. Mine was all from memory, of course. And my teacher realized that when she noticed I didn't turn any pages. I would just sit there and read happily along. (Laughter) And so she called my mother and said: I think there's a problem. At 8 years old I lost the ability to read print completely. I could still see; I could see walls and windows and people and books and the little black lines that were supposed to be words. But I couldn't read them. And it was, well, two years--I had teachers reading to me and students reading to me and helpers reading to me. And I learned nothing, absolutely nothing, for two years. That's a eternity in the education of a kid. At 10 years old I lost my eyesight completely, and I went to the school for the blind. And that's where I discovered Braille. They set me back in third grade again, and I remember sitting in my classroom, and I had this big book on my lap, and I was feeling it and running my hand over it, and I said: I have to learn to read this. And this little boy behind me--his name was Verlyn (phonetic)--he goes: Oh, you will, and it is so cool. And it is so cool. And I passed out these cards that have the Braille alphabet on it so you can see it's not algebra; it's not calculus; it's a simple code. And though I can't even imagine trying to learn calculus and algebra by just hearing it, but--that would be impossible--but when I got the books in my hands, I read everything I could get. I read White Fang, the Mary-Sue mysteries, The Scarlet Pimpernel, everything I could. There was this library, and it had any book I wanted to read in it. Well, at the end of my sophomore year, I

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found I was going to be mainstreamed into the public school for my junior and senior year. And I lost all my beloved books. I had teachers reading to me and students reading to me and helpers reading to me and tapes reading to me, but the only Braille that was produced was what I made. And it's a good thing I knew how, because trying to remember all those dates and names and figures and--was impossible just by listening over and over and over again. So I took notes. And I've been taking notes ever since. I use Braille in my life every day. I...as a job, I'm a writer, and I edit manuscripts. I can spell; I can punctuate; I can read; I can write. I'm a literate person. I read The New York Times--"Science News." And, oh, there was an article in "Science News" that said that when a blind person reads Braille with their hands, it stimulates the visual cortex in their brain. In other words, it means they actually see it by their hands, through their hands. That's how we see. That's how we read. And I know--because I've lived here for many, many years--that Nebraska cares about their people and their children. And I believe that it is our duty to make sure that our kids are educated, not just the sighted ones but the blind ones. I know you'll do the right thing. Thank you. [LB754]

SENATOR ADAMS: Your timing was absolutely impeccable. [LB754]

ATTY SVENDSEN: I did practice. [LB754]

SENATOR ADAMS: I could tell. And I'll bet you could learn calculus too. [LB754]

ATTY SVENDSEN: Well, with Braille I could. [LB754]

SENATOR ADAMS: Are there questions for this testifier? All right. Thank you then. [LB754]

ATTY SVENDSEN: Thank you. [LB754]

SENATOR ADAMS: Next testifier. And we have a light system here. And I'll just let you know what the light is doing and give you a little warning ahead of time when your time is about up. Whenever you're comfortable and ready. [LB754]

CHARLI SALTZMAN: (Exhibit 14) Okay. Hello, I'm Charli Saltzman, C-h-a-r-l-i S-a-l-t-z-m-a-n. My address is 122 North 11th, Apartment 305, 68508. And I am here to ask for your support of LB754. This bill was introduced because of the crisis of Braille illiteracy found not only in the state of Nebraska but also throughout the United States. Being a blind person myself, I know how important it is to be able to read and write like our sighted peers. And fortunately I was given the opportunity to learn Braille. However, so many of the school systems refuse to offer this to their blind and visually impaired students. As a result, blind and visually impaired persons are often thought of as illiterate. And the sad fact is that most of them are. Only a small percentage of blind students actually learn the whole Braille code. Braille for blind students is just as

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important as print for those who are sighted. Because of the willingness of my school system, I am now fluent in both reading and writing of Braille, and I honestly do not know what I would have done without it. Thank you for your time, and I hope you will consider supporting LB754. Thank you. [LB754]

SENATOR ADAMS: Thank you, Charli. Are there questions for Charli? Senator Haar. [LB754]

SENATOR HAAR: Yes. Could you tell me about your school experience? [LB754]

CHARLI SALTZMAN: I come from a small town, Milford, and my vision resource teacher's name is Susan Weber. And she has worked with me since I was in kindergarten, and she's been teaching me Braille. And so there were only a few blind and visually impaired students in our school system. [LB754]

SENATOR HAAR: Okay. Thank you. [LB754]

SENATOR ADAMS: Senator Sullivan. [LB754]

SENATOR SULLIVAN: Thank you. Charli, you've graduated from high school? [LB754]

CHARLI SALTZMAN: Yes. [LB754]

SENATOR SULLIVAN: And what are you doing now? [LB754]

CHARLI SALTZMAN: Now I am currently taking training at the Commission for the Blind here in Lincoln. [LB754]

SENATOR SULLIVAN: Thank you. [LB754]

SENATOR ADAMS: Other questions for Charli? Charli, Milford schools is in my district, so I just knew they had to be doing good things. (Laughter) Just knew they had to have been. Are there any other questions for Charli? Seeing none, thank you. Whenever you're ready. [LB754]

KELSEY SALTZMAN: (Exhibit 15) Hello, I'm Kelsey Saltzman, K-e-l-s-e-y S-a-l-t-z-m-a-n, and I am here to ask for your support of the LB754. And I am from 122 North 11th, Apartment 304, in Lincoln, Nebraska 68508. Braille is very important to me. If it weren't for Braille, all blind people would be illiterate and would not be very successful in life. Braille has helped me a lot in independent living, jobs, and other things in life. It has helped me through school, and I still use it today. I am writing this letter to help support the Braille literacy act for all blind and visually impaired children, because without it blind children and adults will not be able to go very far in life and will

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not be able to read and write like other, sighted people do. I am fortunate, because I learned Braille when I was a child in first grade. If my vision teacher wouldn't have taught me Braille back then, I still wouldn't know it today. I want to encourage all teachers to teach students the Braille code, because without it blind people will not live normal lives like others. I have overcome and accomplished many things in life because I have learned Braille, and I can do almost anything that a sighted person can do. I can even use Braille for leisure activities, such as playing games and reading. I use it to keep track of things like addresses, phone numbers, recipes, and reminder notes. If I ever have children later in life, I can read to them. Braille has been a big impact in my life, and I am going to continue using it. I encourage others to learn it and use it also. It has helped me build a high self-esteem, because I know I can be just like others. I hope this letter will encourage others to teach Braille, and I hope we can enlarge the rate of literacy for blind children in America. [LB754]

SENATOR ADAMS: Thank you, Kelsey. Are there questions for Kelsey? Senator Haar. [LB754]

SENATOR HAAR: Yes. Kelsey, did you also go to school in Milford? [LB754]

KELSEY SALTZMAN: Yes. [LB754]

SENATOR HAAR: Okay. And when did you start instruction in actually using Braille? [LB754]

KELSEY SALTZMAN: I think it was either in kindergarten or first grade. [LB754]

SENATOR HAAR: Okay. Thank you. [LB754]

SENATOR ADAMS: Are there other questions for Kelsey? Thank you, then, Kelsey. We're all done. [LB754]

KELSEY SALTZMAN: Okay. Thank you. [LB754]

SENATOR ADAMS: Next testifier. While the next testifier is coming forward, how many more people still want to testify? Thank you. [LB754]

SAHAR HUSSEINI: (Exhibit 16) I am here today in support of the literacy rights act for blind children, LB754. I work as an instructor at the Nebraska Center for the Blind. It breaks my heart every time I meet a student who has grown up and has not had the opportunity to learn to read and write Braille. Excuse me. [LB754]

SENATOR ADAMS: That's quite all right. Take a breath. And you know what would be helpful to us--if you could give us your name and spell your last name for us. [LB754]

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SAHAR HUSSEINI: Sorry. [LB754]

SENATOR ADAMS: That's all right. [LB754]

SAHAR HUSSEINI: That will give me time to relax. [LB754]

SENATOR ADAMS: It'd give you time to relax, exactly. We planned it that way, didn't we? [LB754]

SAHAR HUSSEINI: Yeah. Perfect. My first name is Sahar; that's S-a-h-a-r. And last name is H-u-s-s-e-i-n-i. [LB754]

SENATOR ADAMS: All right. Whenever you're ready. [LB754]

SAHAR HUSSEINI: In 2004, one of these students attended our training program. Mr. Smith--that's what we'll call him--was unable to read or write--excuse me--above a third- or fourth-grade level. Wow. Sorry about that. [LB754]

SENATOR ADAMS: We're not being mean, are we? (Laughter) [LB754]

SAHAR HUSSEINI: I guess I feel stronger than I thought about this. [LB754]

SENATOR ADAMS: Well, that's quite all right. [LB754]

SAHAR HUSSEINI: This was not because of a lack of intelligence but because he had a small amount of vision. His teachers did not deem it--thank you--did not deem it necessary for him to learn Braille, even though he could barely see the print. Mr. Smith is not so unique. We have summer programs designed for blind youth, and it is not uncommon for the children attending these programs to be unable to read more than 10 or 21 words per minute. The average public school student graduates from high school reading in excess of 100 or 200 words per minute. Shouldn't we hold the same expectation for blind and visually impaired children? Literacy is expected and required of all children today, yet it seems that this is not the expectation held for blind children. Blind adults are facing 70 percent to 80 percent unemployment. Research shows that blind people who learn to read Braille are more likely to be employed, to have a higher education, and to be financially independent. As a blind child, I owe a debt of gratitude--pardon me--that I can never repay to those teachers who taught me how to read and write. I know that without Braille I would not be the successful, taxpaying member of society I am today. It is sad that we have to make a special plea on behalf of blind children, when this is something that the parents of sighted children take for granted. For a sighted child, reading ten words per minute is not considered acceptable, and the same standard should apply to blind children. It is the only way we can compete

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on equal terms with our sighted peers. Thank you for your attention to this very important issue. [LB754]

SENATOR ADAMS: Well, thank you for your testimony today. Do we have questions? Senator Sullivan has got a question for you. [LB754]

SENATOR SULLIVAN: Thank you. And thank you very much for your testimony; I know you care a great deal about this subject. Can you tell me just a little bit more about the Nebraska Center for the Blind? Who attends there? What enrollment do you have and what ages the individuals are? [LB754]

SAHAR HUSSEINI: We have adults usually, between the ages of 18 and over. And sometimes we get clients that are younger, because they go through the summer youth programs. Our director is going to talk later about, you know...she has a testimony. But we have on average, I would say, maybe anywhere from 8 to 14 students, depending. And everyone is required to learn Braille. It is an essential--an integral--part of our program. [LB754]

SENATOR SULLIVAN: Thank you very much. [LB754]

SENATOR ADAMS: Does anyone else have a question? Not seeing any. Thank you for your strength. [LB754]

SAHAR HUSSEINI: Thank you. [LB754]

PEARL VAN ZANDT: (Exhibit 17) Senator Adams, members of the committee, she's hard to follow. (Laugh) I'm Pearl Van Zandt; I'm director of the Nebraska Commission for the Blind and Visually Impaired. And my name is V-a-n Z-a-n-d-t. I live at 1800 South 58th Street in Lincoln. I'm passing around my written testimony, but I'm just going to make a couple of points, because much of what I wanted to say has been said in different ways. Earlier, Governor Heineman's speech was quoted, and I quote him in my comments as well. But I'll just point out one thing. He said that eliminating academic achievement gaps means changing the status quo. As you maybe are getting the idea from some of the testimony--or most of the testimony--the current status quo is that totally blind children may be taught Braille, but children with any visual ability are rarely taught Braille. And actually the majority of blind people do have some vision. So it's just very important that Braille be taught. And we often, as Sahar pointed out, have clients who present to us--as the agency for helping people to get jobs and pay taxes--they come to us high school graduates but illiterate. So that's why this bill is important. And I hope you'll read my comments, but I won't take any more of your time. [LB754]

SENATOR ADAMS: We will. Thank you for abbreviating your comments. I have a question, but I'll open it up to the committee first of all. Do any of you have questions for

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this...? [LB754]

SENATOR SULLIVAN: Just one quick one. [LB754]

SENATOR ADAMS: Yes, Senator Sullivan. [LB754]

SENATOR SULLIVAN: Yes. Thank you very much, Pearl. The summer program that was mentioned by Sahar--is that primarily for elementary- and secondary-age youth? [LB754]

PEARL VAN ZANDT: I didn't hear her talk about the summer program, so... [LB754]

SENATOR SULLIVAN: Oh, I thought...maybe I misunderstood her, but... [LB754]

PEARL VAN ZANDT: The center... [LB754]

SENATOR SULLIVAN: ...center. Okay. [LB754]

PEARL VAN ZANDT: She spoke mostly about the center. [LB754]

SENATOR SULLIVAN: Oh, okay. [LB754]

PEARL VAN ZANDT: The Nebraska Center for the Blind... [LB754]

SENATOR SULLIVAN: Okay. [LB754]

PEARL VAN ZANDT: ...thank you--is a part of our whole agency. [LB754]

SENATOR SULLIVAN: Um-hum. [LB754]

PEARL VAN ZANDT: We have field services statewide... [LB754]

SENATOR SULLIVAN: Okay. [LB754]

PEARL VAN ZANDT: ...and then we have a residential training center for adults. [LB754]

SENATOR SULLIVAN: Okay. [LB754]

PEARL VAN ZANDT: And that's where Sahar teaches. [LB754]

SENATOR SULLIVAN: I see. Okay. Very good. Thank you. [LB754]

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SENATOR ADAMS: Other questions? Pearl, may I ask--and if you're not the person to answer this question, why, please don't hesitate to let me know. When Braille is taught in the public schools--when a student has been identified and within their IEP it has been determined that Braille is the appropriate methodology, is it taught right in the regular classroom? Are the students...or what's the methodology? [LB754]

PEARL VAN ZANDT: It...usually it--and, I think, always--it's taught in a separate room; it wouldn't be taught in the regular classroom. Now, then, the child will use their Braille in the regular classroom, you know, to do their other lessons and such. But... [LB754]

SENATOR ADAMS: Right. [LB754]

PEARL VAN ZANDT: ...and someone else can correct me if I'm wrong, but I believe that's right. They would go to a resource room, I think is what they usually call it... [LB754]

SENATOR ADAMS: Okay. [LB754]

PEARL VAN ZANDT: ...for the Braille teaching. [LB754]

SENATOR ADAMS: Thank you. Other questions? Senator Haar. [LB754]

SENATOR HAAR: Yes. Going back to technology for a minute, I guess I'm getting the impression that now you can almost produce a book on the spot. Is that correct, with...? [LB754]

PEARL VAN ZANDT: Yeah--with some of the qualifications that folks mentioned earlier about formatting and such--but, in effect, yes. And...well, especially if you have the Braille that actually changes on the machine itself--the note takers that they were talking about. It's actually just like the screen--you read the print on the screen on a computer, the Braille moves itself along under your fingertips. And for hard Braille, the hard copy that some folks have read from up here, that would be a matter of printing it on a Braille printer, if it's formatted and all that stuff, so that... [LB754]

SENATOR HAAR: Does Nebraska have any kind of repository for these Braille books or...? [LB754]

PEARL VAN ZANDT: I don't know for sure. That's more in the education area. [LB754]

SENATOR HAAR: Okay. Okay. Thank you. [LB754]

SENATOR ADAMS: Other questions? [LB754]

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PEARL VAN ZANDT: Thank you for your time. [LB754]

SENATOR ADAMS: Seeing none, thank you. [LB754]

PEARL VAN ZANDT: Okay. Thank you. [LB754]

CARLOS SERVAN: Okay, is the mike...? Can you guys hear me okay? [LB754]

SENATOR ADAMS: Yes, we can. You're just right. [LB754]

CARLOS SERVAN: Okay. My name is Carlos Servan, C-a-r-l-o-s; last name Servan, S-e-r-v-a-n. I'm from Lincoln, Nebraska, on 3800 C Street. I'm the legislative chair for the National Federation of the Blind of Nebraska. I have experience working with transition-age students for the last 20 years. I was also president of the National Association of Blind Rehabilitation Professionals. I had a long testimony, but I'm going to make it very brief. Number one, you can see that there is an importance of Braille, and Braille is effective. I don't think there is a question about that. And number two, I want to mention that there are many teachers who are very good and many districts who are working very good. We, the National Federation of the Blind, are not attacking the public school districts. We want to work with them, and we do...trying to emphasize each time there is something good, we praise those jobs. There are some locations in which Braille are not being taught, and you hear some of those testimonies, and I'm sure you're going to be getting a lot of letters. And my last, well, one-before-the-last comment is that the Governor also acknowledged the problem of Braille in Nebraska, and he issued a proclamation in April 26 of last year. And I will be sending a copy of that proclamation to you in the next couple of days. And the last thing I wanted to ask you is my daughter was at my--well, she lives with us, of course--but my wife and I were talking about this bill, and she got interested, so she said then she wants to testify, so I'll let her take over now. [LB754]

SENATOR ADAMS: Thank you, Carlos. Are there questions for Carlos? All right. [LB754]

DORIS SERVAN: (Exhibit 18) Good afternoon, Senator Adams and members of the Education Committee. My name is Doris, D-o-r-i-s, Servan, S-e-r-v-a-n; my address is 3800 C Street, Lincoln, Nebraska. I am not blind, but I am in the seventh grade and taking differentiated classes, violin, cross-country, among other activities. I get my textbooks on time. I don't even think about them or other reading materials coming late. I get my homework on time, and everything in class is accessible to me and most of my peers. I have the ability to check out books and read them at home whenever I can. However, I don't understand how come blind students don't have the same right to equal education like I do. I started to read and write when I was in kindergarten, but I don't see that in the case with blind students. I don't see my parents coming to IEP to

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fight for my literacy for me. Why do parents of blind children have to go to a lot of trouble so their children, my peers, can be literate? I'm only 13 years old but know that this isn't right. My blind peers have the right to an equal education like you and me and your children. Thank you. [LB754]

SENATOR ADAMS: Thank you. Are there questions for this young lady? Seeing none, thank you. Next testifier. [LB754]

FATOS FLOYD: (Exhibit 19) I do have written testimony. Actually, I was going to read to you what I wrote, but I think I'm going to change it and just talk to you. I am Fatos Floyd, F-a-t-o-s F-l-o-y-d, 1817 South 24th Street, Lincoln, Nebraska 68502. I'm the director of the Nebraska Center for the Blind. Sahar--I love Sahar, because we are so passionate in our belief. I became blind when I was 18 and learned Braille as an adult myself. And I can tell you from my heart that I would be unemployable and the state will be looking after me if I didn't learn Braille, which I, you know--that provide me in reading and writing skill. What I can tell you is that the unemployment rate you heard before...70 percent to 75 percent unemployment rate among blind people in United States. I can tell you that our Nebraska Center for the Blind graduates--our unemployment rate right now is 9.2 percent. Now, I cannot directly correlate that with knowing Braille, but I can guarantee you that all the individuals finishing our program are literate, and that's one of the reasons people are hiring. You wouldn't hire an illiterate person for your job. So I am here to ask you to support the Braille literacy and support our blind children for their education. Thank you. Do you have any questions? [LB754]

SENATOR ADAMS: Thank you for your testimony. Appreciate it. Are there any questions for this testifier? Seeing none, thank you for being patient. [LB754]

FATOS FLOYD: Thank you very much. [LB754]

SENATOR ADAMS: Next testifier. [LB754]

VERA PETTIT: (Exhibit 20) Hello. My name is Vera Pettit, V-e-r-a P-e-t-t-i-t. I live at 2000 South 22nd Street, Lincoln, Nebraska. I was going to follow Matthew, and I kind of got out of the line here. So I am Matthew Pettit's grandmother; he was the deaf/blind boy that spoke to you. I am here to ask you to support LB754 also. Matthew is a perfect example of what happens when a blind student does not get the Braille he needs, does not get his materials in Braille at the same time as his sighted classmates, and does not have teachers that know the importance of Braille. Until Matthew started to Southwest High School in Lincoln, he had received very little Braille instruction and very seldom had any of his materials in Braille. When he started high school, he got a new vision teacher who was a strong believer in Braille and knew the importance of it. In the two and a half years she has worked with him--before, during and after school--they've spent many hours working on his Braille skills. He has improved dramatically. When he

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started high school he was reading 36 words per minute and is now almost up to 100 words per minute, which is still below his peers, but it's better than he was. Because of his Braille skills, he has struggled with his classes and is only able to take two classes at a time. It will take him longer than four years to graduate, but he is determined to do this and to do his best. He also has plans to go on to college, so he has quite a few years ahead of him. Because of his determination and his intelligence, we know his goals are attainable. If only his teachers had known the importance of Braille, his goals would have been much easier for him to reach. His family has supported him all the way. And I wonder how you would have dealt with comments from professionals telling you: Your expectations are too high for him. Or, when asking for Braille materials, being told: Do you know how much work that would be for us? Or when asking for more Braille reading time, being told: More reading time will not make him a better Braille reader. Do you think those comments would have been made to your child that is not blind? If LB754 had been in place 15 years ago, hopefully, Matthew would be sitting in the classroom today getting his materials at the same time as his sighted peers, reading at the normal speed of an 11th-grader, and graduating right alongside his classmates. I ask you again to please support this bill. It is so important to our blind children. [LB754]

SENATOR ADAMS: Thank you, Vera. [LB754]

VERA PETTIT: Thank you. [LB754]

SENATOR ADAMS: Are there questions for Vera? Senator Haar. [LB754]

SENATOR HAAR: Yes. Thank you. Were Matt's parents aware that he should have had Braille, or is that something that parents are just told, and then they kind of accept it? [LB754]

VERA PETTIT: No, we were aware of it. And they were aware of it. And they, you know, from day one when Matthew started to school...of course, he was being...he's deaf and blind, so it was going to be a lot harder for him. But we asked for the Braille. Every IEP meeting we sat there, and that was always the top topic when they would ask us what our concerns were. Our concern was he's not getting enough Braille, and we...you know, he needs to get that. So, yes, they were aware, and, you know...I look back now and think if I had to do it all over again, there would probably be a lot of different things I'd do. I don't know if I could have changed anything, because, you know, we did try our best. [LB754]

SENATOR HAAR: How did you as parents and grandparents educate yourself on this issue? [LB754]

VERA PETTIT: Matthew's parents are deaf, and so we were pretty well educated in the deafness part, but the blind part was all very new to us. We tried really, really hard to

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get information; you know, I was desperate to get information and to try to find out what we could do to help him, you know. One day I happened to be out to the Commission for the Deaf, and I happened to walk by the door, and it said Commission for the Blind. And I thought: Hmm, I wonder if that's something that can help us. So I opened up the door and went in there, and I think it was Fatos that was standing inside. And they took us in, and they have been our strongest supporter that we have. If it wasn't for them, I'm sure Matthew wouldn't be where's he's at right now. [LB754]

SENATOR HAAR: Thank you. [LB754]

SENATOR ADAMS: Other questions? Vera, then let me ask one. You described to Senator Haar and to the committee the difficulties that you had convincing a school district to begin Braille education. I have to ask: At any point did Matthew's family appeal the IEP decision to the State Board of Education? [LB754]

VERA PETTIT: No, we didn't. [LB754]

SENATOR ADAMS: Okay. Thank you. Are there other questions? Seeing none...yes, Senator Haar. [LB754]

SENATOR HAAR: I guess I'd like to ask: Were you aware that you could appeal that decision? [LB754]

VERA PETTIT: Yeah, I think we were aware of it. But we were also being told every time we went in and asked questions and had concerns about this, we were told how well he was doing and, you know, that he's going to be fine; he's doing what he should be doing. But I guess we listened, and we shouldn't have. We should've went further. Like I said, if I had it to do over again, I would go back and definitely do some different things. You know, the blindness was new to us, you know. I wasn't sure how much he should be reading, how much further, you know, where he should be at. But now when he, you know, when he walked into the high school and they handed this big book and tell you to read three chapters tonight, and he's reading 30 words per minute, that's when it starts to hit you. I mean, you knew before, but now it's sad to me to see where he could have been. [LB754]

SENATOR ADAMS: Right. Right. [LB754]

VERA PETTIT: He's gone a long ways, and he's done a lot of good things, and I know he's going to be successful, because he's got the determination. But he could've...it could've been a lot better. [LB754]

SENATOR ADAMS: Thank you. Other testimony--or questions? I'm sorry. Thank you, Vera. Next testifier. Whenever you're ready. Good afternoon. [LB754]

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RACHNA KESHWANI: Good afternoon. My name is Rachna Keshwani; that's R-a-c-h-n-a. And last name, K-e-s-h-w-a-n-i. I am also here in support of LB754. English is actually my second language; I was originally born in India. And I've got some residual vision, and because of that I learned print, and then I was fortunate to learn Braille along with it, and so I could read with my sighted peers. And I think that if I hadn't learned Braille, then it would have been really challenging to learn English itself, because when I read print, I can't just glance at it like my sighted peers could. I had to...I have to actually trace the letters, whereas with Braille I can just put a finger on a word, and I can decipher it. And so when I had learned Braille early, I was under the impression that all blind children learned with their sighted peers. And I knew this is a land of opportunity, so it was a rude awakening when I discovered that this was not the case. But...by the way, my address--sorry--is 600 North 15th Street, Lincoln, Nebraska 68508. So I study at the University of Nebraska-Lincoln here. And I still believe that this is a land of opportunity and we've got the good life in Nebraska, because someday most, if not all, blind children will be able to learn to read along with their sighted peers. Thank you. [LB754]

SENATOR ADAMS: Thank you. Are there questions for this testifier? Senator Haar. [LB754]

SENATOR HAAR: Thank you. You're going to university right now? [LB754]

RACHNA KESHWANI: Yes. [LB754]

SENATOR HAAR: How do you find the facilities and resources at the university for you as a blind student? [LB754]

RACHNA KESHWANI: There's the services for students with disabilities, and there's a Brailist there. Unfortunately it's much more difficult to provide Braille materials and textbooks especially. So my books are usually scanned so I can read them on electronic device--a computer or the screen reader JAWS. [LB754]

SENATOR HAAR: Okay. Thank you very much. [LB754]

RACHNA KESHWANI: Thank you. [LB754]

SENATOR ADAMS: Other questions? I guess not. Thank you. [LB754]

RACHNA KESHWANI: Thank you. [LB754]

SENATOR ADAMS: Next testifier. It certainly is not my intention to stifle anybody's ability to testify today, but we're approaching 4 o'clock, and we have yet another bill to

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go today. So we're going to end the proponent testimony at 4 o'clock so that we can get on to other testimony and yet another bill today. I apologize for that, but we just have to. [LB754]

MICHAEL FLOYD: (Exhibit 21) My name is Michael Floyd; I'm from 1817 South 24th Street here in Lincoln, a member of the National Federation of the Blind, also president of Blind Corps, which is a nonprofit organization addressing the rehabilitation needs of blind persons in developing nations. I've presented my written testimony, and since the fiscal note seems to have been addressed, and that kind of gets my comments...I'll just reduce...I'll just tweet you. You know, we all love fiscal responsibility as long as somebody else is responsible. But what I'd like to talk about is a little more on the side of moral responsibility. You know, the questions came up a moment ago about appeals, and I've been witnessing these cases--I guess I'll let you know--for more than a couple of decades. And I've seen some appeals that take people beyond their high school graduation, and their appeals don't do them very much good. I think this bill, LB754, will address that, as was mentioned earlier, by making Braille default; so in the meantime, if there is a conflict that needs to be resolved through an appeal process or, heaven forbid, litigation, that Braille will be taught in the meantime and that lives of our blind children won't be sacrificed in the process, that they'll go ahead and get the kind of education they need, because the real cost of this bill is in not passing it--the cost is in the lives lost, the dependency on Medicaid, other entitlements, adult rehabilitation. All that could have been saved if we'd not been, you know, penny-wise and pound-foolish. Anyway, that's all my remarks for today. Thank you. [LB754]

SENATOR ADAMS: Thank you. Are there questions for this testifier? Well, if not, I appreciate your abbreviating your remarks to help us out today... [LB754]

MICHAEL FLOYD: Thank you so much. [LB754]

SENATOR ADAMS: ...and your patience. Next testifier. Well, gosh, I didn't run everybody off, did I? (Laughter) Anyone else? [LB754]

NANCY COFFMAN: My name is Nancy Coffman; I live at 880 South 39th Street here in Lincoln. [LB754]

SENATOR ADAMS: Could you spell your last name for us, Nancy? [LB754]

NANCY COFFMAN: C-o-f-f-m-a-n. [LB754]

SENATOR ADAMS: Thank you. [LB754]

NANCY COFFMAN: I will keep this very brief. I am the technology specialist for the Commission for the Blind here in Lincoln; we have three of us across the state. I was

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fortunate to learn Braille as a child from a teacher who expected me to perform at the rate of my sighted peers. My hope is that by getting teachers qualified to teach Braille, our expectations of our blind youth will increase and they will indeed be able to perform along with their sighted peers. There are so many things that a person needs to have in front of them and be able to read--for example, in my case, computer manuals, references. I could not do that without Braille, because I have no memory. (Laughter) Some of them back there know that. And there is absolutely no way that I'm going to remember--okay, which computer had which processor; which key stroke was that?--when there are so many, without being able to put it in front of me--as you would--and read it. Thank you. [LB754]

SENATOR ADAMS: Thank you. Are there questions? Senator Sullivan. [LB754]

SENATOR SULLIVAN: Thank you, Senator Adams. Nancy, can you tell me a little bit more about your public school education--this teacher that expected--had high expectations for you--was she...did she...was she the one who taught you Braille? [LB754]

NANCY COFFMAN: Actually that was at the school for the blind in South Dakota. I'm originally from Wyoming that doesn't have a school for the blind. But because my mom and dad expected me to compete, they shipped me off to South Dakota four years in a row. And I had a totally blind teacher who knew Braille backwards, forwards, and sideways and expected me to know it backwards, forwards, and sideways. And I am very grateful for that. I wish that that expectation had continued into my later education. [LB754]

SENATOR SULLIVAN: Thank you. [LB754]

SENATOR ADAMS: Senator Haar. [LB754]

SENATOR HAAR: How do you get manuals and so on in Braille? [LB754]

NANCY COFFMAN: Usually I get them online and either put them into a BrailleNote, which is the version of the electronic note-taking system that I have. Or sometimes you can get reference materials that are preprinted hard copy. [LB754]

SENATOR HAAR: Thank you. [LB754]

SENATOR ADAMS: Thank you. Is there any more proponent testimony? If not, we'll move on. Okay. And I know that there's probably some of you that still would like to have testified, and I appreciate your indulgence; and it's been a long afternoon. We will move on next to opposition testimony if there is any. [LB754]

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MARY CAMPBELL: Senator Adams, Mary Campbell, C-a-m-p-b-e-l-l, assistant to the superintendent for general administration and for government relations at the Lincoln Public Schools. First a disclaimer and then an assurance. The disclaimer is that I am not an expert in this area and that, regrettably, those who are had conflicts this afternoon. So if there are concerns or questions that you have that I can't address, I'll be very happy to relay them and get back to you with answers. The assurance is that we share the same very high and very passionate objectives for our visually impaired students as you heard today. Our objections are simply with aspects of this bill--how you get to those best needs addressed for our visually impaired students. Much of the bill is a restatement of Rule 51, and we embrace that rule, work through it very closely. And to my knowledge, in answer to a point raised earlier, I am not aware of any appeal where teaching of Braille was denied to any LPS student. And if I'm wrong in that, I will certainly get that correction to you. But what we attempt to do is to work with what is the best program--the best individually constructed program of education for visually impaired students. Again, as a non-expert, I might wrongly compare it to hearing-impaired students. Should we prescribe that every hearing-impaired student have an interpreter? Our professionals feel that there are many, many good instruction modes and that we shouldn't be legislating one specific intervention or one specific strategy or technique for all students but rather that each student and each student's needs should be individually assessed and a prescription prepared for that. And again, should parents disagree, we fully support the appeal process and encourage them to exercise that right on behalf of their student. One other concern we have with the bill is that it requires one type of certification from one specific entity. We think that many higher-education schools exist, and they offer certification, and all of our people are certified who do teach Braille. Would we have to re-certify them, at that expense and that time commitment? I don't...you know, I think that we've taken the cost to the state out of the bill, but costs would certainly remain to districts in trying to fulfill the requirements of this bill. Senator Haar, I do know that in the district office, right there, we have Braille machines and a Brailist and do prepare texts and other materials for students in the district. I'm aware, too, that we have 30 students who have the primary verification of visual impairment, but we serve far more than that who have impairments that are not listed as their primary verification. And that is the little that I know--but, again, with the promise to find out more should you have questions. [LB754]

SENATOR ADAMS: Thank you, Mary. Are there questions for Mary? Seeing none, thank you. [LB754]

SENATOR HAAR: Yeah. I would have a question. [LB754]

SENATOR ADAMS: Oh, go ahead, Senator Haar. [LB754]

SENATOR HAAR: We heard in one case of a grandmother talking. Do you actually have sort of an education program for parents that goes along with this? [LB754]

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MARY CAMPBELL: I will ask that question. [LB754]

SENATOR HAAR: Okay. [LB754]

MARY CAMPBELL: Um-hum. [LB754]

SENATOR HAAR: Okay. Thanks. [LB754]

MARY CAMPBELL: I'll get right back to you. [LB754]

SENATOR ADAMS: Anyone else? Thank you, then, Mary. [LB754]

MARY CAMPBELL: Thank you. [LB754]

SENATOR ADAMS: Is there other opposition testimony? [LB754]

JANE BYERS: Good afternoon. My name is Jane Byers; that's J-a-n-e B-y-e-r-s. And I am a special education administrator from the Papillion-La Vista School District, and I also serve as the current president of the Nebraska Association of Special Education Supervisors. In the Papillion-La Vista School District we pride ourselves in the quality of services we provide for all students, including those who are visually impaired. With that said, though, I do have some concerns with LB754 and the impact on our schools and our students. With this population, there is a significant shortage of teachers of the visually impaired. If additional requirements are added to their endorsements, we will see this shortage go from very bad to much worse. We have nearly 50 students in the Papillion-La Vista district who are in need of very specialized vision services. We are lucky in that we have two highly qualified vision specialists right now; but two years ago we had one teacher, and we wanted to add another to help with those 50 students. We advertised for months in efforts to find someone, and we had no applicants. We consider ourselves lucky in that we were able to connect through a friend of a friend and find a fabulous practicing special education teacher who was working through a vision program at UNL. She became provisionally endorsed at that time and soon will be fully endorsed after passing a rigorous competency test in Braille. Located in the metro area, we can sometimes recruit and retain teachers more easily than smaller districts out west. And through networking with the Nebraska Association of Special Education Supervisors, I hear from my colleagues that they often have no teachers available to support students in need of specialized vision instruction. I fear this bill could make that worse. Requiring teachers to possess national certification or further testing by the Department of Education creates additional unfunded requirements for local school districts or the teachers themselves and also goes beyond the requirements outlined in state law covering special education endorsements. With that said, another question comes to mind. In a field of education already troubled by teacher shortages, requiring

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special education teachers in any area of endorsement--learning disabilities, mental handicaps--to be held to a higher standard than general education counterparts is a concern. As far as I know, we don't require national certification in any other area of endorsement. My other concern with LB754 is that it seems to be a bit redundant in that it is already a function of an IEP team to consider the Braille needs of a visually impaired child. This is defined in Rule 51 very clearly. There is also an appeal process that's been discussed. That is spelled out in Rule 51 if there should be any disagreement among team members with regard to any component of the IEP, including the decision to provide Braille instruction. This bill would call for additional requirements in the IEP specific only to Braille which is above the federal requirements and Rule 51 regulations. I do believe--and as we've heard so many people say here and testify today--that we have some issues in the state with regard to the instruction of children who are visually impaired. But I don't think LB754 is the answer that we need right now. I appreciate your time. [LB754]

SENATOR ADAMS: Thank you, Jane. [LB754]

JANE BYERS: Thank you. [LB754]

SENATOR ADAMS: Senator Haar. [LB754]

SENATOR HAAR: Is Papillion-La Vista part of the learning community in Omaha?  
[LB754]

JANE BYERS: Yes. [LB754]

SENATOR HAAR: Is that at all part of the coordination that the learning community does, or isn't that an element of it? [LB754]

JANE BYERS: No, not at this time. [LB754]

SENATOR HAAR: Okay. [LB754]

SENATOR ADAMS: Senator Sullivan. [LB754]

SENATOR SULLIVAN: Go ahead. [LB754]

SENATOR ADAMS: Senator Avery. [LB754]

SENATOR AVERY: Yeah, thank you, Mr. Chairman. You said that we may have some problems meeting the needs of special-needs students but this is not the way to go about it? Would you like to enlighten us as what would be a better way to go about this?  
[LB754]

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JANE BYERS: I think that anything that we can do to enhance the numbers of teachers that we have in Nebraska that can address visual impairments--and not only for those students that are blind but students of multiple impairments that have additional vision needs. So increasing our programs through the university so that we can create or provide more teachers in the state would be helpful. Very few folks to choose from right now. [LB754]

SENATOR AVERY: Thank you. [LB754]

SENATOR ADAMS: Senator Sullivan. [LB754]

SENATOR SULLIVAN: Yeah...that...he answered... [LB754]

SENATOR ADAMS: Jane, I have a question about federal regs. And I'm guessing with your background you might be able to give me some assistance: Least-restrictive environment. [LB754]

JANE BYERS: Um-hum. [LB754]

SENATOR ADAMS: Is that an issue that this committee needs to take into consideration as we review this bill? [LB754]

JANE BYERS: Interesting question. And as I think of that, probably LRE would be affected--least-restrictive environment would be affected with a kind of default Braille, in that you might see more students needing to leave their local school districts in order to receive Braille instruction if there is not a Braille-certified teacher available in that school district. So I know it's our goal in Papillion-La Vista, certainly, to keep students within their neighborhood schools as often as possible and certainly to be able to maintain those students so that they can live with their families. [LB754]

SENATOR ADAMS: What about within the existing building? Do you foresee issues there? So we talked about earlier--so we would--for lack of a better way of describing it, we would pull out these folks to teach them Braille, and then we put them back into the regular U.S. history class. Do we have any issues with federal reg and least-restrictive environment there? [LB754]

JANE BYERS: No, I think that we would be able to support...if the IEP team determines that Braille is the appropriate mode for that student, then that student could be supported in a general education classroom through the use of Braille. [LB754]

SENATOR ADAMS: Okay. Let me ask you yet another question. And it has nothing to do with Papillion-La Vista, but didn't your qualifications indicate that you're part of an

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association of teachers? [LB754]

JANE BYERS: Um-hum. [LB754]

SENATOR ADAMS: Then where are we at in terms of people that can help teach Braille in our ESUs in our rural areas? [LB754]

JANE BYERS: I know that the Nebraska Association of Special Education Supervisors is involved in an overall study of teacher shortage and has identified special education in general as an area of teacher shortage. My direct knowledge of concerns with teachers for students who are visually impaired comes from conversations with my colleagues across the state. And that is they have a great deal of difficulty recruiting folks who have--that are credentialed. [LB754]

SENATOR ADAMS: So, potentially, the recruiting even into the ESU... [LB754]

JANE BYERS: Correct. [LB754]

SENATOR ADAMS: ...is going to be difficult. Senator Cornett. [LB754]

SENATOR CORNETT: Enlighten me: Currently, what happens if you've got a visually impaired student in a school district that does not have a Braille teacher and that student's parents want their child to be taught Braille? Can they opt into another school district that has a Braille teacher? And do the districts accept them? And how does that currently work, or how does that parent access that educational opportunity if it is not available in their district? [LB754]

JANE BYERS: The first step would be to go through an educational service unit, and hopefully that might have an itinerant teacher available to work with that student and to meet that student's needs. School districts, I believe, cooperate with each other to provide services that are available, and some school districts form different kinds of cooperative groups. If we had, you know...certainly within the learning community in the metro area, that will be something that will be available: Students would be able to transfer into another district that had that. [LB754]

SENATOR CORNETT: Now, prior to that--why I asked this is it was a complaint that my office handled before the learning community, where there was a special-needs child that was trying to opt into a school district because they offered a program that special-needs child required. And the school district wouldn't accept them. [LB754]

JANE BYERS: Um-hum. Probably making that determination based on capacity. I'm guessing if the school district did not accept the student, it probably had reached program capacity for resident students and was not able to take on any more students

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that weren't residents--just, again, because of potentially the numbers of students that that school district was serving. [LB754]

SENATOR CORNETT: But is there any requirement that if they do have an opening available that they have to take that student? [LB754]

JANE BYERS: Not at this time, that I'm aware of. There would be, obviously... [LB754]

SENATOR CORNETT: It would be up to the district to determine whether they chose to take the student or not, correct? [LB754]

JANE BYERS: If they had...yes. [LB754]

SENATOR CORNETT: If they had capacity. [LB754]

JANE BYERS: If they had capacity. [LB754]

SENATOR ADAMS: Senator Haar. [LB754]

SENATOR HAAR: What expertise does an IEP team have to even make the decision of...because kind of what I've heard from you...you know, Lincoln Public Schools and so on--one program doesn't fit all. What gives that IEP team, then, the ability to decide whether a child needs Braille or not? [LB754]

JANE BYERS: I believe we are going to have our vision teacher available to testify right after me, and she might be able to answer those kinds of questions. But your IEP team can consist of any person who has information that might be beneficial in making decisions about that student. So an IEP team would consist of, obviously, the parents as well as a general education teacher who can help in making that connection between the general education curriculum and the student's special needs. There would be a special education teacher with probably a more general endorsement. There would be--in our district, anyway--a teacher who is endorsed in visual impairments. And then the parents are welcome to bring any outside agency that has knowledge or information about their child or who can participate in that process. So that team can be as many people as necessary to make the best decision about the child. [LB754]

SENATOR ADAMS: Are there other questions for Jane? Seeing none, thank you then. [LB754]

JANE BYERS: Thank you. [LB754]

JENNIFER LEE: My name is Jennifer Lee; L-e-e is the spelling of my last name. I'm a teacher of the blind and visually impaired in Papillion-La Vista schools. Initially I had

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something prepared, but then I just started taking notes; I want to speak to those based on what others have talked about here. I guess, following Jane, a couple things that I want to talk about: We are already required, as the IEP team, to look at whether or not Braille should be considered for any student who has a visual impairment. I know myself and my colleague in our district--we look at a lot of the things that people brought up that were concerns. We do look at speed in the learning media assessment, whether or not print will serve that student now, and whether print will serve that student down the road. Not only do we look at speed, we look at stamina. I know someone had mentioned earlier that their speed was okay for a while, and they could see things for a while; but if you have a student trying to read a novel or a textbook and they can't make it through that novel or textbook past a couple of pages without their eyes hurting, without their eyes watering, we take that into account. We also in the learning media assessment look at whether or not the student's eye condition will deteriorate over time. So we may give the learning media assessment now, and their vision may be fine at this point, but it's going to deteriorate over time--we take that into account. I don't want to be behind the eight-ball and start teaching a student Braille once their vision is gone if I know it's going to be gone. The other thing: a learning media assessment is not something that we give once and then we're done with that. Learning media assessment is ongoing, and we're constantly evaluating whether or not print, whether or not auditory, whether or not Braille is going to be in the best use of a student. Involved in that learning media assessment: I get information from the student's eye doctor; I get information from the student's parents, grandparents, care givers, whoever works with that student, and the team of students (sic) that work with the child. I think we try and look at students globally now. I know that I'm also early childhood special education, so if there's a student who has a visual impairment, I am in that home sometimes, you know, within weeks of them getting out of the hospital. If I think that that student is even possibly going to be a Braille student down the road, I'm getting Braille in that student's hands just as, you know, you would put a picture book in a student's hands as soon as possible. So I think when you look at this bill, some of the things are already being addressed, and it's a--you know, it seems a little redundant to me, as far as Braille being considered, because it already is, and it's on our forms, and that we do. I also wanted to point out that not only am I a teacher of the visually impaired, I am a parent of a daughter who is visually impaired. So I think that I can come at this from a different perspective, that I've been on both sides of that table. And maybe it helps me knowing when I go into those meetings that if I don't agree with that, if I, you know, stand up for myself, maybe, you know, maybe I'll get more things that I want. But I've never had an issue; I have felt like that it has been my choice as a parent whether I want my student to learn Braille or whether I want my student to learn print, because it is discussed. Oh, my goodness, that light; it's there already. The other thing I want to talk about is I recently finished my vision endorsement, and I can tell you that it was a very rigorous endorsement. I would bring out my Braille writer to do my homework in the evening, and my daughter would say: Oh, that's the thing that makes you cry. Because it was intense. And for...you know, I went in to learning my Braille probably very naive, thinking: Oh, I'm

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going to learn the alphabet, and I'm going to be good to go. Oh, my gosh, it's just this whole different language, and I learned that language through UNL, through the program that I went to. I had to pass a competency, not the national competency, but I did pass a competency at the end of that program to prove that I was competent in Braille, reading and writing. We did have instruction on the slate and stylus as well. I give my students slate and stylus just as you would give a little kid a crayon. So they know that they can start right away. I see my light is up. Just a couple things. We do have a depository for books in Nebraska City; I know that someone had asked that question. Books and supplies can be checked out in Nebraska City for students. Someone also asked if we support the parents. Myself and another TVI along with the Nebraska Foundation for Visually Impaired Children and Boys Town hospital recently, this fall, started a class for parents who have children who are blind and visually impaired. We passed those fliers out. It was free; we wrote grants. So we can, hopefully, build the cycle of literacy. And we had a good turnout of parents; it was an eight-week class, where we went through the Library of Congress Braille material to teach them the Braille code as well. [LB754]

SENATOR ADAMS: Senator Cornett has got a question, I believe. [LB754]

JENNIFER LEE: Okay. Sorry. [LB754]

SENATOR CORNETT: That's quite all right. Frequently in your testimony you say "I" and "we," and I'm assuming you mean yourself and the Papillion-La Vista School District. Resources in the metropolitan area are greatly different from what are available in the rural areas. Do you agree with that? [LB754]

JENNIFER LEE: I would agree. Resources--you mean... [LB754]

SENATOR CORNETT: Special education resources... [LB754]

JENNIFER LEE: ...people? [LB754]

SENATOR CORNETT: People. [LB754]

JENNIFER LEE: I can't speak...I can speak to teachers, just because I went through the program, and I know that there's a lack of us out there. I think that was my first concern when I read this, is we need more of me; we need more teachers of the visually impaired, people who are out there who can support these kids. And yes, I agree with everything that people said, that we need to be literate in the Braille. I'm telling you specifically the program that I went through--when I came out, I was literate. I'm afraid if we start adding more and more on top of these programs, we're going to run out of people. [LB754]

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SENATOR CORNETT: I'm not talking about the metro area again. So let me preface this, because I know that there are programs that Bellevue has, Papillion has, OPS has. [LB754]

JENNIFER LEE: Okay. [LB754]

SENATOR CORNETT: Do you feel the needs of our visually impaired students are being met throughout the state? [LB754]

JENNIFER LEE: I guess I can't speak to that specifically, you know, throughout the state. [LB754]

SENATOR CORNETT: And having learned Braille as an adult, and referring to it as a second language, don't you feel that it would be easier to learn as a child than as an adult? [LB754]

JENNIFER LEE: Oh, yes. [LB754]

SENATOR CORNETT: Thank you. [LB754]

JENNIFER LEE: Yeah. I found it...I admit it--I found it very difficult to learn. [LB754]

SENATOR CORNETT: Thank you. [LB754]

JENNIFER LEE: And I got to learn it with my eyes. [LB754]

SENATOR ADAMS: Senator Haar. [LB754]

SENATOR HAAR: Well, it sounds like you have a good program there. Are you...is your program set up according to certain state standards, or have you sort of invented this within your district? [LB754]

JENNIFER LEE: In talking with colleagues that I went through the program with, I feel our standards are the same. I know that we work closely with our administrators within our district to make sure that, you know, our standards are being met. [LB754]

SENATOR HAAR: But I mean, do you actually have standards, or is this something that you've put together yourself? [LB754]

JENNIFER LEE: For the... [LB754]

SENATOR HAAR: What I'm trying to get at is: Are there statewide standards that make your program as good as they are? Or because of you as a person, have you made that

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program as good as it is? [LB754]

JENNIFER LEE: I would say it comes through the IEPs. So, yes, you know, I say that there's standards; you know, if the student needs to learn Braille, then they have to learn the Braille. [LB754]

SENATOR ADAMS: Other questions? Thank you for your testimony then. Additional testimony in opposition? What about neutral testimony then? [LB754]

TERESA COONTS: Hello. I'm Teresa Coonts, T-e-r-e-s-a C-o-o-n-t-s, with the Nebraska Department of Education, in the neutral capacity today for LB754. I have written a few notes here to kind of highlight some of the requirements that are outlined in Rule 51. I'm not going to go into detail on those, because I think you've heard a lot of those--but just to kind of point out that the IEP of a child who's blind/visually impaired...the statement in the rule: Must provide instruction in and use of Braille unless the members of the child's IEP team determined after evaluation of the child's reading and writing skills that such instruction is not appropriate for the child. And this is also a federal requirement of IDEA '04. Another kind of talking highlight of Rule 51 is the appeal process, which I think all of you have heard about today--that if a parent disagrees with the evaluation results, then the parent can pursue a due process. And the services, then, that are included on the child's current IEP will continue to be implemented until the results of that due process appeal. In regard to the standard--or the NIMAC--that was talked about in the bill, NDE has adopted NIMAS, which is the National Instructional Materials Accessibility Standard. And this was adopted when IDEA '04 came out. Each school district, then, can choose to coordinate with the NIMAC center, which is the National Instructional Materials Access Center, for the purpose of purchasing instructional print material or accessing instructional print material for students who are blind/visually impaired or also have print disabilities. School districts may also work directly with a publisher in order to get that format textbook so that they can make that available for students who have print disabilities. And the law is clear that that is in a timely manner. And in the state of Nebraska, "timely manner" means at the same time as other students receive their material. And regarding the competency test, we haven't received the amendment, so we're still looking at the original bill. And it would have a significant cost to develop requirements for a competency test--to develop that, administer that, and oversee that process. So we'll look at the amendment piece of that. But there's still some associated costs for the national certification that is recommended in that bill as well. Some of the numbers that I wanted to just bring to you...and I think it was--I think you asked this question--is the number of students who are blind or visually impaired--and this is birth to 21. We have approximately 450 that are blind/visually impaired; that's the primary disability. In addition, we have approximately 380 that are considered partially sighted or low-vision students, who might be in that range of 20/200 acuity or lower--or better, I'm sorry. So that's kind of our numbers there today. That's all I have to say. If you have questions, I'll... [LB754]

SENATOR ADAMS: Okay. I think we might. Are there questions for Teresa? Senator Haar. [LB754]

SENATOR HAAR: Yes. You used the term "when Braille would not be appropriate." What...how would you determine if Braille was appropriate or not? [LB754]

TERESA COONTS: Through the assessment process. And I think Jennifer did a great job of describing that, as well as some of her other testimony of looking at observations in classrooms, looking at information in the learning media assessment as well as other assessment tools, looking at reading levels of children, looking at doctors' reports, and: Is it a progressive loss of vision, or is it a stable loss? All of those become good evaluation measures that you look at to make that determination if a child is going to be using Braille. And the other piece of it is very clear, is that with teachers of visually impaired it's a ongoing process of assessing to see where a child is. [LB754]

SENATOR HAAR: Do you see that LB754...what would LB754 mandate that would interfere with your process you were talking about? [LB754]

TERESA COONTS: I think the main...well, a couple of things. The mandate in the appeal process, for instance--it would mandate that the child would receive Braille even if the team had determined through the evaluation process that Braille was not needed. So it really goes beyond those federal and state regulations of the appeal process. That would be a real shift in the way the law is for all students with disabilities. So that would be a lot of training that would have to be done--a real impact on school districts. Probably the other thing is just the language in the NIMAS standard--districts do not have to coordinate with NIMAC; they can choose to do that. And that also is a federal requirement, and we as a state really stay very specific to federal requirements as much as we can on--specific to special education--and try not to exceed those requirements. And then, of course, the competency--that would just cause additional...as far as the state, I don't know that it would require anything for us to do unless we're developing competency tests and overseeing those competency tests. I also wear the hat of the low-incidence disabilities person at the state. I know that we have shortages in this area across all of low-incidence; it's kind of a given. But I also think that there's been a lot of improvement over the years for the teacher-training program at the University of Nebraska system to train highly qualified teachers. Our school districts have worked hard to, in their terms, "grow their own," where they have their own individual special ed teacher who decides to go into the field of visual impairments. And so they're meeting those requirements as highly qualified, and there might be some concerns on their part of that additional requirements for them. [LB754]

SENATOR ADAMS: Teresa, are you aware of any other area of disability where we use the IEP process where there is a default like this? [LB754]

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TERESA COONTS: No. [LB754]

SENATOR ADAMS: So the IEP process--the decisions that are made--there is no standard or default; rather, it is a... [LB754]

TERESA COONTS: It's the appeal process if you disagree with...anyone, if they disagree with the team and the decision of teaching Braille or not receiving Braille, they may go through that appeal process. [LB754]

SENATOR ADAMS: Let me ask... [LB754]

TERESA COONTS: And that's... [LB754]

SENATOR ADAMS: Excuse me. Let me ask you about, given that you work at the state department, maybe you also have a feel for...if we were to pass something like this, what's our ability in rural Nebraska to provide the service? [LB754]

TERESA COONTS: I think a lot of that has been stated, but I will be honest, there's definitely a smaller group of staff there that are trained in visually impaired. But I think what's happened is...all right, the educational service units within the western area, they cooperate together, and they may contract with someone to provide those services. Also, the purpose of the Nebraska Center for the Education of Children Who Are Blind or Visually Impaired--formerly the Center for the Blind...they have an outreach team that also works very closely in the rural areas. They really provide most of their support in rural Nebraska. So they're in the west providing those services. [LB754]

SENATOR ADAMS: Thank you. [LB754]

TERESA COONTS: Um hum. [LB754]

SENATOR ADAMS: Senator Haar. [LB754]

SENATOR HAAR: I always assume we could do a better job in almost everything. So if you had your druthers, would we...to do a better job in helping visually impaired, do we need more money or more highly trained people? Or both? [LB754]

TERESA COONTS: Well, you know, I'm always going to say we need more money, right? (Laugh) No. I think the program is there at...the university program is a very highly skilled program. I think the challenge is getting people to fulfill that role as a teacher of the visually impaired. A lot of times school districts--they may not hire anyone until they see there's a need. And then they're searching to try to find. And I think Papillion gave a good example of...you know, they had 50 students and had only one teacher, and then

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they knew that they needed to start bringing in additional support. So I think trying to always increase the mass number--because if we start looking at the people that will be retiring in the next five to ten years, it's a huge number. And I think we've tried to, you know, put the dollars into the university program to support that. But it's always a challenge; but it's not just unique to blind. It's unique to special education overall. And people are just not getting into the field, and I don't know if it's...I don't know what that, you know, what the reason is. [LB754]

SENATOR HAAR: Is the university program that you've described full up, or is there room for more people? [LB754]

TERESA COONTS: I would have to go back and find out the numbers that they currently have. But usually, I would say, that they're probably lower than full. I mean, I don't think they're ever at capacity. We also partner with the Kansas department of ed. We're unique in this state in that we have a vision endorsement program. Kansas does not have a vision endorsement program, and so we've partnered with them to train both Kansas and Nebraska teachers together, which has been a very successful thing as well. And Kansas pays some money to that as well. So it's a challenge. [LB754]

SENATOR ADAMS: Senator. [LB754]

SENATOR SULLIVAN: Thank you, Senator. Couple questions with respect to the Nebraska Center for the Blind and the relationship...how do they provide their outreach to rural schools? Do they work through the ESUs? [LB754]

TERESA COONTS: They work through the school district. [LB754]

SENATOR SULLIVAN: Oh, directly with the school district. [LB754]

TERESA COONTS: Yeah. The school will contact them, and then they work out the details of what their needs are. [LB754]

SENATOR SULLIVAN: And... [LB754]

TERESA COONTS: So it's directly with the school district. [LB754]

SENATOR SULLIVAN: Okay. And what relationship does the Nebraska Center for the Blind have with the University of Nebraska as far as developing teachers? [LB754]

TERESA COONTS: They're very well connected. And, in fact, the Center for the Blind, when they have summer programs...the teacher prep program, where these students have opportunities to do hands-on work with children, occurs at the camps in the summer at the Center for the Blind. So there's a great relationship and a connection

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there to give that summer support that kind of exceeds any additional student-teaching support that they might get in a local school district. So they, you know, they have a group of kids that will come, and those teachers are going and working directly with those students in the summer programs. [LB754]

SENATOR SULLIVAN: Okay. Thank you. [LB754]

SENATOR HAAR: And then this is just my education: Who funds the Nebraska Center for the Blind? [LB754]

TERESA COONTS: That's state funded by you guys, right? I was looking at my helper over there. State funded. Um-hum. [LB754]

SENATOR ADAMS: Other questions? Thank you for your testimony. [LB754]

TERESA COONTS: Okay. [LB754]

SENATOR ADAMS: Appreciate it. [LB754]

TERESA COONTS: Thank you. [LB754]

SENATOR ADAMS: Is there any other neutral testimony? Are you testifying in the neutral? [LB754]

\_\_\_\_\_: I'd like to clarify something. [LB754]

SENATOR ADAMS: That wouldn't be... [LB754]

\_\_\_\_\_: Okay. [LB754]

SENATOR ADAMS: We're not going to do that right now. Sorry. [LB754]

\_\_\_\_\_: All right. [LB754]

SENATOR ADAMS: Appreciate that, but if you want to talk to individuals afterwards... [LB754]

\_\_\_\_\_: Okay. [LB754]

SENATOR ADAMS: ...that would be fine. Is there any other neutral testimony? Senator Giese, yours to close. [LB754]

SENATOR GIESE: Thank you, Senator Adams and members of the committee.

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Excellent questions. And thank you for your patience. It is a very key issue, I think, that we have touched upon today. And there are some, maybe, some problems that we need to work out. But I really don't know that there's any way to close after the testimony that we had earlier about, you know, people talking about their lives and opportunity, you know, that is there or not there for them as they go forward. So I think that anything that we do that can help to come up with a solution or to help in any way we can, I mean, I think we are obligated to do that. Just a few things that I wrote down listening to the testimony. And, quite frankly, some of them, I feel, were just, as a senator, I just--I'm appalled that, you know, we talk about teachers or educators that are going to retire, and how are we going to replace those folks? Well, how can we not replace those folks? I mean, that is just beyond--I mean, you just can't imagine not doing that. You know, since I've been involved--or in the Legislature--this is my second year now--there are programs that I am well aware of that we do as a state that if we don't like them, somewhere down the line they disappear. And that's just a fact of life, whether it's costs or whatever the situation may be, there are programs that if somebody doesn't like, they might eventually disappear. The test that was mentioned earlier, that somebody in the IEP process, that somebody may go through--and they're hesitant to start someone on Braille...a question that I had right away was: How often does a person that is tested, that is going to be blind, how often do they get better? Would be my question. Not, you know...I understand about being hesitant about starting them learning Braille, but how often do they get better, whether they're in third grade or eighth grade or whatever that is? I think the progression is probably going to get worse. And then the last issue that I wanted to touch on...you know, it was talked about Papillion has the resources; and whatever it is, it doesn't matter, whether it's OPS or LPS or whoever it is. I think that the rest of the state is asking for help, and I don't think they have the resources. So although they may be able to do these in the larger school districts, our ESUs are a vital part of this solution. And I think as we go forward, they will be drawn into the solution in a great way. So I appreciate the committee's questions, and as we go forward I would certainly appreciate your support. [LB754]

SENATOR ADAMS: Any final questions for Senator Giese? If not, thank you, Senator, and we will close the hearing on LB754. Typically we'd wait for the room to clear, but we're going right on to the next one. (Laughter) (Exhibit 22 also was submitted.) [LB754]

SENATOR HOWARD: Chairman Adams... [LB750]

SENATOR ADAMS: I am ready, Senator Howard. [LB750]

SENATOR HOWARD: If you are ready--with no further ado. [LB750]

SENATOR ADAMS: I'm going to pick up my voice. [LB750]

SENATOR HOWARD: LB750. [LB750]

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SENATOR ADAMS: Well, Senator Sullivan and Senator Howard, I had planned a lengthy and eloquent introduction that would have devoted considerable amount of time to the history behind educational lands and funds, but let me just say very simply: What this bill does is to allow the Board of Educational Lands and Funds to receive land as a gift. They would receive it; they would manage it; and then they would also see to it that the proceeds from that land, if they were specifically dedicated to a specific school district, were received by that school district. So it's a matter of allowing Educational Lands and Funds to receive land as a gift, and then Educational Lands and Funds would manage the land in a reasonable fashion. They could also turn down the gift if they thought that it was inappropriate the way that they were expected to manage it or to handle it. The donator would be able to designate that the money from the management of the land would go to school district A, and the Educational Lands and Funds would then annually see to it that the proceeds went to school district A. That's the essence of it. Dick Endacott is here, the executive director of the Educational Lands and Funds that could probably answer more specific questions. But I'll try if you have any. [LB750]

SENATOR HOWARD: Thank you, Senator, for your eloquent introduction. (Laugh)  
[LB750]

SENATOR ADAMS: You're welcome. [LB750]

SENATOR HOWARD: Senator, do you have any questions? [LB750]

SENATOR SULLIVAN: Well, I do, but if you'd rather, I'll just direct them to Dick when he gets up. [LB750]

SENATOR ADAMS: Okay. That would be fine. [LB750]

SENATOR HOWARD: Okay. [LB750]

SENATOR ADAMS: Thank you. And I will waive closing. [LB750]

SENATOR HOWARD: ...expedite this. [LB750]

SENATOR SULLIVAN: Thank you. [LB750]

SENATOR HOWARD: Sir, if you're ready. A proponent. [LB750]

RICHARD ENDACOTT: Senators, I'm Richard Endacott; it's E-n-d-a-c-o-t-t. I'm the executive secretary of the Nebraska Board of Educational Lands and Funds. And as you know, one of our primary missions at the School Lands is to try to maximize our

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income for education. And that's what this bill is directed at. There are many situations, we feel, where people would be willing to devise or grant or give lands, real estate, which is our specialty, but they may be hesitant to do so if they can't designate specifically a school district or a particular type of beneficiary or a particular type of program. For example, let's say that an individual who has, maybe, no children that they want to benefit or don't have any children at all, or they want to make gifts to the state for tax purposes--could, for example, decide that they wanted to give a piece of land, say, in Cherry County. And they would designate that. That land could be used, say, for Braille education. So it's an opportunity to be more specific and attract more donors to this giving process. As Senator Adams said, we can reject the gift; there may be some that are unduly burdensome. For example, if they gave us a property that was covered with junk cars, it probably would not be economical to go ahead and handle that. Or if it's not in the best interests of the beneficiaries--say there was some program that didn't fit with education. And we would receive the income off that land after we've managed it and pay it out each year to that designated school district or school districts. There is a possibility that at some point it may be necessary to sell the land; the donor could direct that. Or if it became unfeasible to continue managing the land, with the unanimous consent of our board--that would be five people, 5-0 vote--we could go ahead and sell the land and direct the proceeds to go for the purpose set out for the income. I think that's it in a nutshell. Do you have questions that I might answer? [LB750]

SENATOR HOWARD: Thank you. Thank you, Mr. Endacott, for your concise explanation. Senator. [LB750]

SENATOR SULLIVAN: Thank you, Senator Howard. My questions revolve around whether or not to sell. As I understood--correct me if I'm wrong in reading it--that if the donor had directed the land to be sold, then the proceeds would go to the school district of the donor's choice and if not, to your general fund? [LB750]

RICHARD ENDACOTT: It would go to the school district of the donor's choice, as consistent with the original gift as possible. In other words, if it's income for Braille development, we would sell the land and perhaps the school district could set up a fund, or we would pay it to them to use for that specific purpose and would expect them to use it for that purpose. [LB750]

SENATOR SULLIVAN: And if sale is not indicated by the donor--and I guess this is just an aside. I've wondered, too, because I've always thought that even there was legislative intent that over time some of this school land was to be sold. And maybe this is off point just a tad bit, but in light of current high land values right now, does that enter into your, quote, management decision making? [LB750]

RICHARD ENDACOTT: Well, I think it would be an unusual situation. It would probably be...if there was no designation in existence as to what to do with the property in the

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event of sale, the statute says: If the board determines at any time that it is no longer feasible for the board to hold and manage the real estate, and the members of the board unanimously agree to such sale, then they can go ahead and sell it, and the sale proceeds shall be paid to the school district or districts designated to benefit from the income. So we've tried to provide for the possibility that a sale would be necessary and there are not specific directions or significant--detailed enough directions as to what to do with it. But we've provided that unanimous provision in there so that it wouldn't be sold without good reason, because donors, when they make these gifts, they want them to be adhered to; and that would be our obligation. [LB750]

SENATOR SULLIVAN: Okay. [LB750]

SENATOR HOWARD: Do we have any other questions? [LB750]

RICHARD ENDACOTT: Thank you. [LB750]

SENATOR HOWARD: Thank you. Are there other proponents? Mr. Bonaiuto, welcome. [LB750]

JOHN BONAIUTO: Senator Howard, John Bonaiuto, B-o-n-a-i-u-t-o, executive director of Nebraska Association of School Boards. We would support this. We think it's a great option if there's a tool that's out there or a possibility that someone would like to make a donation of land of this nature. I think it would benefit the school and public lands fund; it would benefit, possibly, the districts. So I think it's...having that as an option is very good. And with that, I will conclude my testimony. And there is a former senator, I believe, on that board, (laugh) who watches the land very closely. [LB750]

SENATOR HOWARD: All right; well, thank you. Do we have any questions for Mr. Bonito? No? That's good. [LB750]

JOHN BONAIUTO: Thank you. [LB750]

SENATOR HOWARD: Thank you. Any other proponents? Any opponents? Any neutral? Senator Adams has waived closing, so we're good. [LB750]

SENATOR ADAMS: We are at the end of our hearings for today. []

SENATOR HOWARD: Good. []

SENATOR ADAMS: So let it be. []