

**By Carolyn Lee**

***The Imperial Republican***

At a recent Chase County Schools board meeting, Superintendent Matt Fisher informed the board of five bills before the Nebraska Legislature that will impact schools. In various stages in the legislative process, the bills are being discussed across the state.

The most important one, according to Fisher, is LB1021. The bill would create the High School Activities Association Act.

According to the Statement of Intent, Sen. Bill Avery of Lincoln introduced the bill to allow the association to promote ethnic minority, gender and geographical representation, with six districts formed according to population.

The organization would elect members from educators in the state who hold a Nebraska teachers' or administrative certificate.

The association would have to adhere to Open Meetings and Open Records laws.

Fisher said LB1021, which is now out of the Education Committee, was designed to hamper the Nebraska School Activities Association (NSAA).

The Education Committee, according to Jim Tenopir of NSAA, stripped the bill of all of its contents except the open meeting provision.

The NSAA, he said, passed a policy last week that stated it was fully compliant with the Open Meetings and Open Records law.

"We're concerned with what happens when it (LB1021) hits the floor" of the Legislature, he said. "I'm waiting with trepidation as to what happens with it."

Tenopir said he thinks Sen. Avery will try to amend the bill to once again include the provisions stripped from the bill.

Fisher said it's "scary" that Sen. Avery may try to amend the bill. He said the NSAA is a private corporation. "If the state can tell a private corporation how to conduct their business, it can do it to any company."

"Does the Legislature know more than the Department of Education and schools to conduct education?"

He said the bill creates a whole new set of guidelines for the NSAA, dictated by the Legislature. Fisher said that if the NSAA can't meet the guidelines, the Department of Education then takes over the NSAA responsibilities.

Fisher said if the legislators had "talked to the State Department of Education, they'd be told it doesn't have the capability of directing the activities in the state."

He added that the NSAA has the schools' support, and that the schools provide NSAA board members and vote on NSAA issues.

Tenopir said 50-60 schools have sent the NSAA resolutions passed in opposition to LB1021. Many more have been received by legislators and the Education Committee, he said.

The CCS board has approved such a resolution.

### **LB1006**

LB1006 has been advanced by senators. It would move back the eligibility date for children to begin kindergarten.

Under the bill, introduced by York Senator Greg Adams, children would be eligible if they are five years old by July 31, beginning with the 2012-13 school year. Currently, the cutoff date is Oct. 15.

Adams has said the bill would narrow the age range of kindergarten students.

Fisher said the bill, if passed, won't change much at CCS. "It's good for us," he said.

"Elementary teachers see a huge age span" in a grade. "It won't totally take care of it, but it will move us in the right direction."

### **LB898**

LB898 is the Student Expression Act. It provides protection for public school students in exercising their First Amendment rights within the parameters of the Act.

The Act also provides protection for public school teachers and administrators in their pursuit of academic freedom for their students.

The sponsoring senator is Ken Haar of Malcolm. The bill is still before the Education Committee.

The statement of intent says there are currently no state statutes clarifying "the specific expression rights of public school students, resulting in censorship of students who exercise legitimate expression, and career jeopardy for teachers and administrators who support legitimate student expression."

"This bill will require a school district policy in line with current Supreme Court rulings and will help prevent lawsuits," the statement continues.

Legislative Aide Tom Green with Sen. Haar's office said the bill grew out of concerns of students' expressions being suppressed in Omaha, and the fact that some school districts don't have policies pertaining to expression rights. He said the bill intends to make sure each school district has such a policy and what the limitations of expression rights are.

Green said examples of suppression of expression include school newspaper stories and a student wearing a t-shirt commemorating the death of a friend.

Fisher said he doesn't see the need for the bill, as he said everything in it is covered under the First Amendment.

### **LB697**

LB697 would make it a Class V misdemeanor with a \$100 fine and loss of job due to a breach of contract for a school bus driver who is transporting students to use his or her cell phone or other wireless device while the vehicle is in motion. This includes talking, texting or streaming.

This applies to both contracted school bus drivers and those who are transporting students through a charter company.

The bill was introduced by Sen. Rich Pahls of Omaha. Legislative Aide Ron Schroeder said one reason the bill was introduced was the report of a commercial bus driver, transporting students from Kearney to Lincoln, seen talking on a cell phone for one and one-half hours.

LB 697 is still in committee.

Fisher said CCS uses radios on the buses to maintain contact with the dispatcher, but some small schools use cell phones for communication instead.

"A number of schools have an issue with the bill as cell phones are the only way to maintain contact," he noted. Many small schools don't have dispatchers.

Fisher added that CCS van drivers use cell phones for contact, as the school isn't replacing radios in the vans as they quit. He said that the vans move out of radio contact distance, and it isn't prudent to spend money on radios when the cell phones are going to be used by the person in charge of the van, anyway.

Fisher said the school district doesn't have a policy on texting by drivers of students.

### **LB996**

LB996 is still in committee. The Classroom Educational Expenditure Act would require school

districts to expend a minimum amount of their resources, or 65 percent of the total operating expenditures, on direct classroom instruction within a three-year period.

Direct classroom instruction is defined in the act as the amount of funds expended on regular instructional programs, English language learners' instructional programs, poverty programs, early childhood education programs, and special education instructional programs, combined.

Legislative Aide Ron Schroeder to Sen. Rich Pahl of Omaha, who introduced the bill, said "It's a concern of Sen. Pahl's that some school districts are not spending enough money on classroom education."

Fisher said the bill is "misguided. That should be a local issue, not dictated by the Legislature. It's a clear example of the Legislature trying to overstep its bounds and dictating" what local school districts should do.

Fisher added that he feels LB966 is the result of a backlash of senators being upset with Lincoln school administrators who took a big pay hike a year ago.