

The Effects of the Covid-19 Pandemic on K-12 Education in Nebraska



A Report of the
Nebraska Advisory Committee to the
U.S. Commission on Civil Rights

September 2025

Advisory Committees to the U.S. Commission on Civil Rights

By law, the U.S. Commission on Civil Rights has established an advisory committee in each of the 50 states and the District of Columbia, and the U.S. Territories. The committees are composed of citizens who serve without compensation. The committees advise the Commission of civil rights issues in their states that are within the Commission's jurisdiction. They are authorized to advise the Commission in writing of any knowledge or information they have of any alleged deprivation of voting rights and alleged discrimination based on race, color, religion, sex, age, disability, national origin, or in the administration of justice; advise the Commission on matters of their state's concern in the preparation of Commission reports to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public officials, and representatives of public and private organizations to committee inquiries; forward advice and recommendations to the Commission, as requested; and observe any open hearing or conference conducted by the Commission in their jurisdiction.

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**Nebraska Advisory Committee to the
U.S. Commission on Civil Rights**

The Nebraska Advisory Committee to the U.S. Commission on Civil Rights submits this report regarding the effects of the Covid-19 pandemic on education in the state. The Committee submits this report as part of its responsibility to study and report on civil rights issues in the state. The contents of this report are primarily based on testimony the Committee heard during public meetings held via videoconference on July 10, 2023, July 13, 2023, November 8, 2023, March 6, 2024, and May 15, 2024. The Committee also includes related testimony submitted in writing during the relevant period of public comment.

This report begins with a brief background of the issues to be considered by the Committee. It then presents the primary findings as they emerged from this testimony, as well as recommendations for addressing areas of civil rights concerns. This report is intended to focus on civil rights concerns regarding the effects of the Covid-19 pandemic on education. Specifically, the Committee sought to examine the impacts of the pandemic on K-12 education regarding mental health, access to educational services, and the digital divide. While additional important topics may have surfaced throughout the Committee's inquiry, those matters that are outside the scope of this specific civil rights mandate are left for another discussion.

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Overview

On March 23, 2023, the Nebraska Advisory Committee (Committee) to the U.S. Commission on Civil Rights (Commission) adopted a proposal to undertake a study on the civil rights effects of the Covid-19 pandemic on education in the state. The focus of the Committee's inquiry was to examine the challenges faced by diverse communities regarding youth mental health and the digital divide.

As part of this inquiry the Committee heard testimony via videoconference held on July 10, 2023, July 13, 2023, November 8, 2023, March 6, 2024, and May 15, 2024.¹ The following report results from a review of testimony provided at these meetings. It begins with a brief background of the issues to be considered by the Committee. It then identifies primary findings as they emerged from this testimony. Finally, it makes recommendations for addressing related civil rights concerns. This report focuses on an examination of the lingering effects the Covid-19 pandemic has had on public and non-public K-12 education in Nebraska stemming from Spring 2020 (lockdown) and the 2020-2021 academic year, with a specific focus on disparities that were created and/or reinforced based on race, color, age, disability, or other federally protected category as they relate to: (a) the challenges of e-learning and (b) increased mental health issues facing youth with the intent of identifying opportunities to address ongoing challenges through laws and procedures.

While other important topics may have surfaced throughout the Committee's inquiry, matters that are outside the scope of this specific civil rights mandate are left for another discussion. This report and the recommendations included within it were adopted unanimously by the Committee on August 21, 2025.

Methodology

As a matter of historical precedent, and in order to achieve transparency, Committee studies involve a collection of public, testimonial evidence and written comments from individuals directly impacted by the civil rights topic at hand; researchers and experts that have rigorously studied and reported on the topic; community organizations and advocates representing a broad

¹ Meeting records and transcripts are available in Appendix.

Briefing before the Nebraska Advisory Committee to the U.S. Commission on Civil Rights, July 10, 2023, (web-based), Transcript (hereinafter cited as "Transcript 1").

Briefing before the Nebraska Advisory Committee to the U.S. Commission on Civil Rights, July 13, (web-based), Transcript (hereinafter cited as "Transcript 2").

Briefing before the Nebraska Advisory Committee to the U.S. Commission on Civil Rights, November 8, 2023, (web-based), Transcript (hereinafter cited as "Transcript 3").

Briefing before the Nebraska Advisory Committee to the U.S. Commission on Civil Rights, March 6, 2024, (web-based), Transcript (hereinafter cited as "Transcript 4").

Briefing before the Nebraska Advisory Committee to the U.S. Commission on Civil Rights, May 15, 2024, (web-based), Transcript (hereinafter cited as "Transcript 5").

range of backgrounds and perspectives related to the topic; and government officials tasked with related policy decisions and the administration of those policies.

Committee studies require Committee members to utilize their expertise in selecting a sample of panelists that is the most useful to the purposes of the study and will result in a broad and diverse understanding of the issue. This method of (non-probability) judgment sampling requires Committee members to draw from their own experiences, knowledge, opinions, and views to gain understanding of the issue and possible policy solutions. Committees are composed of volunteer professionals that are familiar with civil rights issues in their state or territory. Members represent a variety of political viewpoints, occupations, races, ages, and gender identities, as well as a variety of backgrounds, skills, and experiences. The intentional diversity of each Committee promotes vigorous debate and full exploration of the issues. It also serves to assist in offsetting biases that can result in oversight of nuances in the testimony.

In fulfillment of Committees' responsibility to advise the Commission of civil rights matters in their locales, Committees conduct an in-depth review and thematic analysis of the testimony received and other data gathered throughout the course of their inquiry. Committee members use this publicly collected information, often from those directly impacted by the civil rights topic of study, or others with direct expert knowledge of such matters, to identify findings and recommendations to report to the Commission. Drafts of the Committee's report are publicly available and shared with panelists and other contributors to ensure that their testimony was accurately captured. Reports are also shared with affected agencies to request clarification regarding allegations noted in testimony.

For the purposes of this study, **Findings** are defined as what the testimony and other data *suggested, revealed, or indicated* based upon the data collected by the Committee. Findings refer to a synthesis of observations confirmed by majority vote of members, rather than conclusions drawn by any one member. **Recommendations** are specific actions or proposed policy interventions intended to address or alleviate civil rights concerns raised in the related findings(s). Where findings indicate a lack of sufficient knowledge or available data to fully understand the civil rights issues at hand, recommendations may also target specific directed areas in need of further, more rigorous study. Recommendations are directed to the Commission; they request that the Commission itself take specific action, or that the Commission forward recommendations to other federal or state agencies, policy makers, or stakeholders.

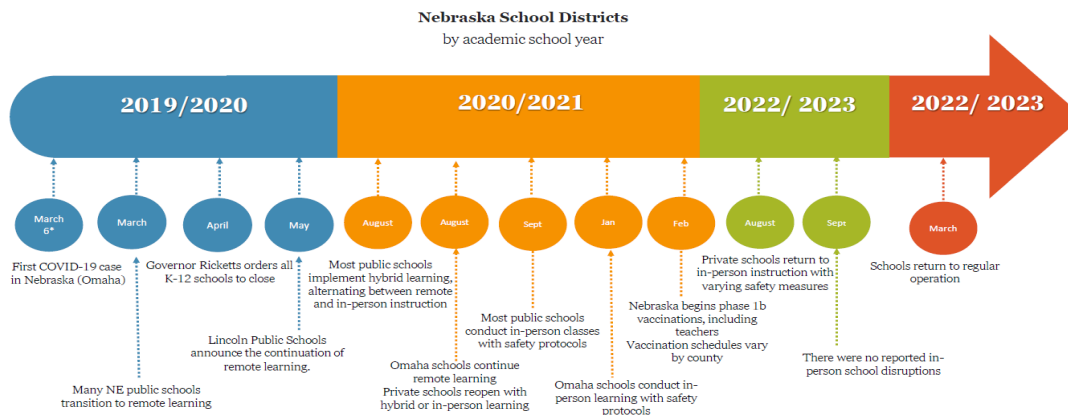
Background

On March 11, 2020, after more than 118,000 identified cases in 114 countries and 4,291 deaths, the World Health Organization declared Covid-19 a pandemic.² Within the week, states across the United States began implementing shutdown orders to slow the spread of the virus at the local

² Centers for Disease Control and Prevention. "CDC Museum Covid-19 Timeline." <https://www.cdc.gov/museum/timeline/covid19.html#:~:text=January%2031%2C%202020&text=The%20Secretary%20of%20the%20Department,outbreak%20a%20public%20health%20emergency> (accessed February 28, 2023).

level.³ The pandemic exposed weaknesses in several systems throughout the country and worldwide and intensified existing social inequalities.⁴ The Covid-19 pandemic affected every aspect of U.S. society, and K-12 public education in Nebraska and young people's mental health were not exempted from these effects. The impacts were obvious and severe during the Spring of 2020 when schools (like most other institutions) closed to in-person learning, switching, often on the fly and with little time for training, to online formats. However, they continued into the 2020-21 school year wherein districts varied in terms of continuing to teach virtually, resuming in-person instruction (usually with mask mandates), and/or teaching in hybrid fashion with schools teaching half their students in person (e.g., students with last names starting with the letters A-M) and half on-line to enable social distancing.⁵

Timeline of COVID-19 Related Instructional Adjustments



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³ Centers for Disease Control and Prevention. "CDC Museum Covid-19 Timeline." <https://www.cdc.gov/museum/timeline/covid19.html#:~:text=January%201%2C%202020&text=The%20Secretary%20of%20the%20Department,outbreak%20a%20public%20health%20emergency> (accessed February 28, 2023).

⁴ Lindsley Testimony, Transcript 2, p. 4.

⁵ Omaha Public Schools. 2020-2021 "Calendar Adjustment." <https://meeting.sparqdata.com/Public/Agenda/120?meeting=310241> (accessed April 7, 2025); *See also*: Omaha Public Schools. "Responsible Return to School – June 29, 2020." <https://meeting.sparqdata.com/Public/Agenda/120?meeting=310241> (accessed April 7, 2025); *See also*: Omaha Public Schools. "Preparing for a Responsible Return to School." Board of Education Special Meeting. Monday, June 29, 2020. <https://meeting.sparqdata.com/Documents/WebViewer/120?file=6700f9bd-000e-419e-97f5-489f99d6995e> (accessed April 7, 2025); *See also*: Stone, Alexandra. "Omaha Public Schools board of education approves changes for upcoming school year." June 29, 2020. KETV 7 ABC Omaha. <https://www.ketv.com/article/omaha-public-schools-board-of-education-approves-changes-for-upcoming-school-year/33005773> (accessed April 7, 2025); *See also*: Lincoln Public Schools. "2020 Pandemic Plan & Procedures." July 28, 2020.

<https://meeting.sparqdata.com/Documents/WebViewer/89?file=04985672-06de-41f3-b0ae-45fe9e3f8289> accessed April 7, 2025); *See also*: KFOR. "LPS Releases Return To School Policy Regarding COVID-19." July 29, 2022. <https://www.kfor.com/lps-releases-return-to-school-policy-regarding-covid-19/> (accessed March 10, 2025).

⁶ See footnotes 8-24 for sources.

Time Intervals for the Pandemic in Nebraska

Between 2019 and 2023, Nebraska schools navigated significant challenges due to the Covid-19 pandemic, transitioning through various instructional models. As detailed below, the 2019-2020 school year saw a rapid shift to remote learning, mandated by state orders. In 2020-2021, districts adopted hybrid schedules and gradually phased back in-person learning with safety measures. The 2021-2022 year marked a near-complete return to in-person instruction, though districts varied in mask policies. By the 2022-2023 school year, schools resumed regular operations as the pandemic's impact waned. This four-year period highlighted the adaptability and resilience of Nebraska's educational institutions.

2019-2020 School Year:

- **March 6, 2020:** Nebraska confirmed its first presumptive Covid-19 case in Omaha.⁷
- **March 2020 (See Appendix C):**
 - Omaha Public Schools (OPS)⁸, Lincoln Public Schools (LPS)⁹, Grand Island Public Schools (GIPS)¹⁰, Kearney Public Schools (KPS)¹¹, Fremont Public Schools (FPS),¹² and Gretna Public Schools (GPS) transitioned to remote learning.¹³
 - Nebraska's private schools also moved to online learning due to health concerns.¹⁴
- **April 1, 2020:** Governor Pete Ricketts ordered all Nebraska K-12 schools to close buildings and continue remote learning through the remainder of the academic year.¹⁵

⁷ Nebraska Department of Health and Human Services, Governor's Media Release. "First Presumptive Positive Case of Coronavirus 2019 Reported to Nebraska DHHS." March 6, 2019. <https://dhhs.ne.gov/Pages/First-Presumptive-Positive-Case-of-Coronavirus-2019-Reported-to-Nebraska-DHHS.aspx/> (accessed May 19, 2025).

⁸ Hatton, Todd. "OPS Announces COVID-19 Preemptive Measures." KIOS/NPR Network. March 12, 2020. <https://www.kios.org/ops/2020-03-12/ops-announces-covid-19-preemptive-measures> (accessed April 18, 2025).

⁹ Lincoln Public Schools Media. "COVID-19 Pandemic Timeline in LPS." <https://home.lps.org/pedia/glossary/covid-19-pandemic-timeline-in-lps/> (accessed April 18, 2025).

¹⁰ Naspretto, Alicia. "GIPS to Close Schools Amid COVID-19 Outbreak." KSNB. March 15, 2020. <https://www.ksnblocal4.com/content/news/GIPS-to-close-school-amid-COVID-19-outbreak-568816061.html> (accessed April 18, 2025).

¹¹ "Kearney Public Schools Announces Cancellation of All Scheduled Assemblies, Events, and Programs", KGON/KGIN, March 12, 2020, <https://www.1011now.com/content/news/Kearney-Public-Schools-announces-cancellation-of-all-scheduled-assemblies-events-and-programs-568749771.html> (accessed April 18, 2025).

¹² Costello, Becca. "Fremont Schools Closed, Some Asked to Self-Quarantine After Potential COVID-19 Exposure." March 7, 2020. Nebraska Public Media. <https://nebraskapublicmedia.org/en/news/news-articles/fremont-schools-closed-some-asked-to-self-quarantine-after-potential-covid-19-exposure/> (accessed April 23, 2025).

¹³ "Schools and Colleges Impacted by Coronavirus." March 12, 2020. 3 News Now. <https://www.3newsnow.com/schools-and-colleges-impacted-by-coronavirus> (accessed April 3, 2025).

¹⁴ Ibid.

¹⁵ Nebraska Emergency Management Agency. "Nebraska Joint Information Center Update." March 31, 2020. <https://nema.nebraska.gov/archived-articles.php?nid=117> (accessed April 18, 2025); *See also*: "Nebraska schools directed to close to students through May under new DHM, Press Release." KLOK/KGIN, <https://www.1011now.com/content/news/15-new-Nebraska-counties-included-in-states-Directed-HealthMeasure569305581.html>; <https://www.education.ne.gov/publichealth/known-school-closures/> (accessed April 3, 2025).

- **May 6, 2020:** LPS announced the continuation of remote learning until at least this date, with no in-person classes or activities.¹⁶

2020-2021 School Year:

- **August 2020:**
 - Public Schools: Most districts, including OPS, LPS, and GIPS, implemented hybrid learning models, alternating between in-person and online instruction. OPS began the year fully remote, whereas LPS and other districts combined remote and in-person learning.¹⁷
 - Private Schools: Many reopened with hybrid or in-person learning, utilizing smaller class sizes and distancing measures.¹⁸
- **September 2020:**
 - Most schools in Nebraska, including those in Grand Island, Kearney, Fremont, and Gretna, conducted in-person classes with safety protocols.¹⁹
 - LPS and GIPS moved toward full in-person learning with safety measures in place.²⁰
 - OPS continued remote learning longer than other districts before gradually allowing students back in phases.²¹

¹⁶ "LPS to continue remote learning until at least May 6th," KLON/KGIN, March 30, 2020.

<https://www.1011now.com/content/news/LPS-to-continue-remote-learning-until-at-least-May-6-569257881.html> (accessed April 3, 2025).

¹⁷ Dvorak, Gina. "Omaha Public Schools moving to 100% remote learning for at least first-quarter." KLON/KGIN. August 7, 2020. <https://www.wowt.com/2020/08/07/omaha-public-schools-moving-to-100-remote-learning-for-at-least-first-quarter/> (accessed April 3, 2025); See also: Lincoln Public Schools, LPS Media. "Covid-19 Pandemic Timeline in LPS." <https://home.lps.org/pedia/glossary/covid-19-pandemic-timeline-in-lps/> (accessed April 3, 2025).

¹⁸ McCluskey, Neal and Ekins, Emily. "Survey: 46 Percent of Private Schools See Enrollment Rise." CATO Institute. <https://www.cato.org/survey-reports/survey-46-percent-private-schools-see-enrollment-rise> (accessed May 12, 2025).

¹⁹ Koeller, Austin. "Grand Island Public Schools Releases models for reopening; will require face masks at buildings." July 10, 2020. The Grand Island Independent. https://theindependent.com/news/article_9ff23aca-c212-11ea-8f2c-8fe3d47b75b7.html (accessed May 12, 2025); See also: Miller, Matthew. Letter to KSD Families and Communities. August 3, 2020, <https://drive.google.com/file/d/1Ss1E1jwx19F1lm6xLTpHuCJCCwi26g7R/view>. https://drive.google.com/file/d/1mEAVno_wJ5-_Yzq561HOIprNBKUSotsB/view (accessed May 12, 2025); See also: DeJka, Joe. "What the Fremont schools, among the first to close in U.S., are doing to stay open." Omaha World Herald. September 25, 2020. https://omaha.com/news/local/education/what-the-fremont-schools-among-the-first-to-close-in-u-s-are-doing-to/article_d203ba90-c01e-5d14-b0a1-895e190f58f8.html (accessed May 12, 2025); See also: KMTV. "Masks, temperature checks part of Gretna Schools reopening plan." KMTV. July 29, 2020. https://www.3newsnow.com/news/local-news/masks-temperature-checks-part-of-gretna-schools-reopening-plan?_amp=true (accessed May 12, 2025).

²⁰ Lincoln Public Schools, LPS Media. "Covid-19 Pandemic Timeline in LPS."

<https://home.lps.org/pedia/glossary/covid-19-pandemic-timeline-in-lps/> (accessed April 3, 2025); See also: "GIPS announce 2021-2022 Safer Return to School Plan." KSNB. July 30, 2021. <https://www.ksnblocal4.com/2021/07/30/gips-announces-2021-22-safe-return-school-plan/> (accessed April 3, 2025).

²¹ Associated Press. "Omaha Public Schools say remote learning to end this year." May 6, 2021.

<https://apnews.com/article/ne-state-wire-omaha-health-coronavirus-pandemic-ac2a774d0a44dbb3c819b1e12e2d700c> (accessed April 3, 2025); See also: Nitcher, Emily. "OPS will not offer remote learning next school year". Omaha World Herald. May 6, 2021. https://omaha.com/news/local/education/ops-will-not-offer-remote-learning-next-school-year/article_42c10f2a-adeb-11eb-8c26-971a20d55798.html (accessed April 3, 2025).

- **January 2021:** OPS resumed in-person learning for all students after months of remote and hybrid instruction.²²

2021-2022 School Year:

- **August-September 2021:**
 - Nearly all Nebraska public and private schools returned to full in-person instruction.
 - Mask mandates and safety measures varied by district; OPS, LPS, and GIPS maintained mask policies longer than smaller districts like Gretna and Kearney.²³

2022-2023 School Year:

There were no major reports of pandemic-related disruptions to school districts in Nebraska.

Covid-19's Disruption of K-12 Learning

On March 19, 2020, the Nebraska Department of Health and Human Services issued the first Directed Health Measure related to Covid-19 which, among its directives, prohibited gatherings of ten or more patrons, customers, or other invitees, excluding staff, in a variety of spaces, including schools.²⁴ This aligned with guidance from then-Nebraska Governor Pete Ricketts, who ordered that schools throughout the state operate without students through the end of May 2020.²⁵ The pandemic affected every stakeholder throughout school communities in that

“Educators, administrators, teachers, paraprofessional support staff and others had to figure out a new way to operate remotely. Students had to adapt their way of learning and receiving services. Many parents and guardians had to balance working remotely at the same time as caring for their children who may have no longer been in daycare, as well as their school-aged children who might have to be continuing their learning remotely.”²⁶

According to a “Covid-19 Special Report” issued by the Nebraska Department of Education, 100% of Nebraska public schools districts offered in-person learning options for students for the

²² “Omaha Public Schools to resume in-person classes full-time.” First Alert 6. January 13, 2021.

<https://www.wowt.com/2021/01/13/omaha-district-to-resume-in-person-classes-full-time/> (accessed July 8, 2025).

²³ Dvorak, Gina. “Mask policies: Here’s where Omaha-metro school districts stand.” First Alert 6. August 10, 2020.

<https://www.wowt.com/2021/08/10/mask-policies-heres-where-omaha-metro-school-districts-stand/> (accessed May 12, 2025). See also: Hanson, Kait. “State-by-state guide to school face mask mandates.” Today. Aug. 13, 2021. <https://www.today.com/parents/state-state-guide-school-face-mask-mandates-today-t227837> (accessed May 12, 2025).

²⁴ Nebraska Department of Health and Human Services. “Directed Health Measure Order 2020-001.” Covid-19 Directed Health Measures Archive. <https://dhhs.ne.gov/Archived%20DHMs/DHM-March%2019-2020.pdf> (accessed February 28, 2023).

²⁵ Meadows, Danielle. “Gov. Ricketts directs Nebraska schools to operate without students through May 31.” April 1, 2020. 3 News Now. <https://www.3newsnow.com/news/coronavirus/gov-ricketts-directs-nebraska-schools-to-operate-without-students-through-may-31> (accessed February 28, 2023).

²⁶ Lindsley Testimony, Transcript 2, p. 3.

following 2020-2021 academic year.²⁷ Despite this, the report identified several impacts that Covid-19 had on the state's education system, including but not limited to: a decrease in the opportunity to learn during Spring 2020, a mixture of remote, in-person, and hybrid learning, and an impact of trauma on the ability of individual students to demonstrate what they know and can do.²⁸ The Committee believes that public education is one of the most critical functions of state institutions in society and in the state of Nebraska it is a major driver of social mobility, economic progress, and civic engagement and involvement. Disruptions to public education systems have the potential to adversely affect these opportunities.

Covid-19 and Disparities in Education

The Covid-19 pandemic has had profound and substantial impacts on education. National test results released in November of 2022 indicate that there have been unprecedented declines in student scores in math and reading, most accentuated during the period at the height of the pandemic where traditional modes of educational instruction and locations were forcibly disrupted.²⁹ For students of color, those with physical disabilities, those contending with neurodiversity, those with limited familial economic resources or social capital, and those for whom English is not their native language, educational systems across the country showed areas of critical deficiency.³⁰ According to testimony received by the Committee, "Regardless of how quickly schools were able to transition to digital learning, there will always be a void from this time because no matter how hard we tried, things were different."³¹

The Nebraska Board of Education reported that there was a drop in proficiency scores of approximately 20% in both English language arts and math because of the pandemic.³² Former Education Commissioner Matthew Blomstedt stated, "We saw a lot of education gaps for students based on race, ethnicity, poverty, special education and on English learners."³³

Another impact of the pandemic was the exacerbation of one of the major variables already contributing to disparity in Nebraska K-12 schools, chronic absenteeism. The importance of this variable was highlighted in some testimony the committee gathered preliminary to the formal inquiry process. Mr. Lane Carr, an Administrator from the Nebraska Department of Education's Office of Policy and Strategic Initiatives, had noted that there was a 77% increase in chronic absenteeism in Nebraska because of the pandemic (i.e., students who miss so much school that it jeopardizes their completion of academic work and sometimes puts their parents/legal guardians

²⁷ Launch Nebraska. "Covid-19 Special Report." Nebraska Department of Education. <https://www.launchne.com/20-21/covid-19-special-report/> (accessed February 28, 2023).

²⁸ Ibid.

²⁹ Villavicencio, Adriana. "Why schools' going back to normal won't work for students of color." *The Conversation*, November 2, 2022. Accessed March 2, 2023. <https://theconversation.com/why-schools-going-back-to-normal-wont-work-for-students-of-color-192228>

³⁰ Ibid.

³¹ Lindsley Testimony, Transcript 2, p. 3.

³² McLoon, Alex. "Nebraska education leaders reveal drop in language arts, math proficiency scores due to pandemic." *KETV Omaha*, November 23, 2022. Accessed March 2, 2023. <https://www.ketv.com/article/nebraska-education-leaders-reveal-drop-in-language-arts-math-proficiency-scores-due-to-pandemic/42053844>

³³ Ibid.

in jeopardy because their children are failing to attend enough school).³⁴ The pandemic highlighted the circular nature of chronic absenteeism, both as a contributory variable to educational challenges and as an outcome of these. The pandemic often created situations where youth had to take on additional responsibilities for sick parents, or otherwise had to assume additional familial responsibilities on behalf of siblings, or helping the family avoid certain additional costs for labor services that were no longer affordable.³⁵ For immigrant families in which the parents' first language is not English, youth played a critical role in helping them navigate language impediments, a critical function at any time, but especially important during a pandemic. In that context, young people would have to make themselves available for that role, potentially conflicting with physical and/or virtual school attendance.³⁶ These circumstances, in turn, led to situations where students were less able to get to and attend classes regularly.

Conversely, one can note that absenteeism was characteristic of some marginalized and disadvantaged populations before the pandemic, notably in isolated areas with high levels of poverty.³⁷

Mental Health

In a 2021 advisory, the U.S. Surgeon General called for the protection of youth mental health and highlighted that this was already an area in need of urgent attention prior to the pandemic.³⁸ Covid-19 exacerbated the situation and presented major disruptions to the school and social life of young people, in addition to the fact that as of June 2021, more than 140,000 young people throughout the country had lost a parent or grandparent caregiver to the virus.³⁹ The advisory also identifies social groups of young people who were more susceptible to experiencing mental health challenges during the pandemic; these include: youth with intellectual or developmental disabilities, racial and ethnic minorities, youth living in low-income households, LGBTQ+ youth, youth in immigrant households, youth in rural areas, youth with caregivers who are frontline workers, and youth facing housing instability.⁴⁰

³⁴ Lane Carr, Nebraska Department of Education, *Presentation for the Nebraska Advisory Committee to the U.S. Commission on Civil Rights*, August 9, 2022.

³⁵ Irons, Meghan E. "With schools and daycares closed, it's sometimes older siblings who are watching young children." *Boston Globe*. May 11, 2020. Accessed March 25, 2025.

<https://www.bostonglobe.com/2020/05/11/metro/an-older-sibling-steps-into-big-role-home/>

³⁶ Cedeño, Diana., Fu, Pingping., and Alvarado, Rosalba. (2024). Understanding the Learning Experiences of Low-Income Midwest Rural Latinx Youth During COVID-19: A Culturally Responsive Approach. *Journal of Latinos and Education*, 24(1), 76–90. <https://www.tandfonline.com/doi/full/10.1080/15348431.2024.2363442>.

³⁷ Attendance Works. "Preventing Missed Opportunity: Taking Collective Action to Confront Chronic Absence." September 2016. https://attendanceworks.org/wp-content/uploads/2017/09/PreventingMissedOpportunityFull_FINAL9.8.16_2.pdf (accessed March 25, 2025).

³⁸ U.S. Surgeon General. "Protecting Youth Mental Health - The Surgeon General's Advisory." U.S. Department of Health and Human Services. <https://www.hhs.gov/sites/default/files/surgeon-general-youth-mental-health-advisory.pdf> (accessed February 28, 2023).

³⁹ Ibid.

⁴⁰ Ibid.

The pandemic upended multiple variables that contribute directly to young people's mental well-being, including structure, support networks and family stress.⁴¹ Young people were taken out of their normal daily routines in school settings, which are critical to their healthy development and well-being, and had to move to online settings very quickly.⁴² A 2022 Harvard Magazine article calls attention to the fact that while researchers are familiar with how social factors, such as inequality, impact the physical health of young people, they are exploring how these disparities can play out similarly when it comes to behavioral health.⁴³ Furthermore, more information is needed on what is being done to protect and empower caregivers, who have a major influence on young people's mental health outcomes.⁴⁴

At the state level, \$546 million were allocated to Nebraska's Elementary and Secondary School Emergency Relief state plan as part of the federal government's American Rescue Plan.⁴⁵ The state plan included improving access to comprehensive mental health services for students, staff and communities as one of its top priorities.⁴⁶ As a result, Nebraska public school districts have been using the funds to establish social and emotional learning as part of their curriculum and hire more mental health specialists.⁴⁷ This has been a growing practice in school districts across the country and has enabled some schools to incorporate this type of programming into their curriculums for the first time.⁴⁸

Research has shown that mental health crises and emergency visits have been on the rise since the start of the pandemic, as well as an increasing gap in access to mental health service that affects students with lower socioeconomic backgrounds.⁴⁹ Despite the added support that federal funding has offered, long-term solutions are needed to address mental health problems resulting from the pandemic.⁵⁰

⁴¹ Moring, Roseann. "The Kids Aren't OK: Mental Health Issues Skyrocketed for Nebraska Children During Pandemic." *Nebraska Public Media*, April 16, 2022. Accessed February 28, 2023. <https://nebraskapublicmedia.org/en/news/articles/the-kids-arent-ok-mental-health-issues-skyrocketed-for-nebraska-children-during-pandemic/>.

⁴² Cingel Testimony, Transcript 1, p. 3.

⁴³ Sweet, Jacob. "No Going Back to Normal." *Harvard Magazine*, July-August 2022. Accessed February 28, 2023. <https://www.harvardmagazine.com/2022/07/feature-childrens-mental-health>.

⁴⁴ Ibid.

⁴⁵ KMTV 3 News Now. "Dept. of Education approves use of \$182 million in funds to support Nebraska's in-person learning plan." Local news. October 14, 2021. <https://www.3newsnow.com/news/local-news/dept-of-education-releases-182-million-in-funds-to-support-nebraskas-in-person-learning-plan> (accessed July 16, 2025). "

⁴⁶ U.S. Department of Education. "Nebraska ARP ESSER State Plan Highlights." <https://www2.ed.gov/documents/press-releases/apr-esser-ne-plan.pdf> (accessed February 28, 2023).

⁴⁷ Wagner, Lauren. "Nebraska schools using federal COVID relief to invest in social emotional learning." *Omaha World-Herald*, October 5, 2022. Accessed February 28, 2023. https://omaha.com/news/local/education/nebraska-schools-using-federal-covid-relief-to-invest-in-social-emotional-learning/article_643c14a2-3845-11ed-a884-7ff60baac6.html.

⁴⁸ Ibid.

⁴⁹ Abramson, Ashely. "Children's mental health is in crisis." American Psychological Association. <https://www.apa.org/monitor/2022/01/special-childrens-mental-health> (accessed March 2, 2023).

⁵⁰ Ibid.

The Challenges and Implications of Adapting to E-Learning

An article entitled “The Digital Divide Among Students During COVID-19: Who Has Access? Who Doesn’t?” suggests several insights concerning the effect that e-learning education has had on disparities:

- Rural areas and schools with higher concentrations of students from low-income households were less likely to expect real-time instruction during the pandemic.
- The detrimental effects on schoolwork completion due to lack of Wi-Fi. Household concerns on the ability to continue paying for Internet or cellular services that students depended on.
- Parents’ lack of familiarity with remote learning software; and
- The lack of school districts’ equitable distribution of technology to families, especially those in communities with a high concentration of low-income households.⁵¹

Nebraska Governor Jim Pillen created a new state broadband office in early 2023 in response to the fact that an estimated 80,000 to 90,000 locations in the state then lacked quality broadband internet service.⁵² According to Common Sense Media, as of March 1st, 2023, 29% of Nebraska’s students did not have internet access, presumably at home; 27% of those students were in the categories of African American, Latino American, or Native American; 9% of teachers did not have access; 21% of students did not have devices at home for e-learning and neither did 2% of teachers.⁵³ By April 2024, the office had over \$400 million from the federal Broadband Equity, Access, and Deployment (BEAD) Program alone and another \$36 million from the Middle Mile Program.⁵⁴ In January 2025, the Nebraska Broadband Office received approval from the National Telecommunications and Information Administration of its final inventory of 29,597 homes and businesses eligible for \$405M federal funding allocated to the state to deploy broadband as part of the BEAD Program.⁵⁵ When the BEAD project is completed, every Nebraskan – urban and rural – will have access to high-speed reliable Internet.⁵⁶

In immediate response to the pandemic and the discontinuation of in-person schooling, Wakefield Community Schools’ School Board quickly approved an emergency purchase of \$250,000 of tablet computers to allow elementary students in this rural, half-Latino, northeast Nebraska district to

⁵¹ Lake, Robin and Makori, Alvin. “The Digital Divide Among Students During COVID-19: Who Has Access? Who Doesn’t?” Center on Reinventing Public Education. <https://crpe.org/the-digital-divide-among-students-during-covid-19-who-has-access-who-doesnt/> (accessed March 2, 2023).

⁵² Hammel, Paul. “Proposed state broadband office touted as more effective, creative in closing ‘digital divide’.” *Nebraska Examiner*, February 7, 2023. Accessed March 21, 2023. <https://nebraskaexaminer.com/2023/02/07/proposed-state-broadband-office-touted-as-more-effective-creative-in-closing-digital-divide/>; See also: Office of Governor Jim Pillen. “Governor Pillen Announces Creation of Broadband Office.” <https://governor.nebraska.gov/press/governor-pillen-announces-creation-broadband-office> (accessed March 21, 2023).

⁵³ Common Sense Media. “Teaching Through the Digital Divide.” <https://www.commonsensemedia.org/digital-divide-stories> (accessed March 2, 2025).

⁵⁴ National Telecommunications and Information Administration. “Envisioning an Equitable, Inclusive, Connected America.” April 30, 2024. <https://www.ntia.gov/report/2024/office-internet-connectivity-and-growth-2023-annual-report/implementation-partnering-in-the-field-part-two/states-territories/nebraska> (accessed July 8, 2025).

⁵⁵ Nebraska Broadband Office. “NBO Gears Up for Nebraska’s Future with High-Speed Internet Initiative.” <01142025-nbo-press-release.pdf> (accessed April 17, 2025).

⁵⁶ Ibid.

connect to Spring 2020 lessons that were suddenly online. Another majority-Latino district, Saline County's Crete Public Schools, reported the creation of WiFi hotspots in school parking lots to facilitate students (safely segregated in different vehicles) to access the Internet.⁵⁷

Findings

In keeping with their duty to inform the Commission of (1) matters related to discrimination or a denial of equal protection of the laws; and (2) matters of mutual concern in the preparation of reports of the Commission to the President and the Congress,⁵⁸ the Nebraska Advisory Committee submits the following findings to the Commission regarding the effects of the Covid-19 pandemic on education in the state. This report seeks to highlight the most salient civil rights themes as they emerged from the Committee's inquiry. The complete meeting transcripts are included in Appendix A for further reference.

Finding I - The Committee Heard Testimony Indicating that the Covid-19 Pandemic has had an Ongoing Detrimental Impact on the Mental Health of K-12 Students

General and Large-Scale Impacts on Mental Health

The Covid-19 pandemic has had a negative effect on the mental health of all age groups, with the World Health Organization reporting a 25% increase in anxiety and depression since the onset of the health emergency.⁵⁹ Feelings of loneliness also increased during the pandemic across age groups. According to the American Psychological Association, young adults had among the highest rates of reported loneliness among various social groups, at 38% during December 2020.⁶⁰

Young people have been among the most affected by the mental health crisis, as emphasized in a 2021 joint statement by the American Academy of Pediatrics, the American Academy of Child and Adolescent Psychiatry, and the Children's Hospital Association, which indicated that emergency department visits for children with mental health emergencies rose by 24% for young children ages 5-11 and by 31% for children ages 12-17 during the first six months of the

⁵⁷ Hamann, Edmund T., Morales, Amanda R., and Martinez, Ricardo. (2022). Unpublished manuscript. Considering the Needs, Challenges, and Assets of School Systems in Rural Meatpacking Communities During COVID-19: The Roles of Schools as Vehicles of Community. University of Nebraska – Lincoln, Department of Teaching, Learning, and Teacher Education. <https://digitalcommons.unl.edu/teachlearnfacpub/566/>

⁵⁸ 45 C.F.R. § 703.2 (2018).

⁵⁹ Lieneman Testimony, Transcript 3, p. 13; *See also*: World Health Organization. "COVID-19 pandemic triggers 25% increase in prevalence of anxiety and depression worldwide." March 2, 2022. <https://www.who.int/news/item/02-03-2022-covid-19-pandemic-triggers-25-increase-in-prevalence-of-anxiety-and-depression-worldwide> (accessed August 16, 2024).

⁶⁰ DeAngelis, Tori. "Young adults are still lonely, but rates of loneliness are dropping overall." American Psychological Association. July 1, 2023. <https://www.apa.org/monitor/2023/07/young-adults-lonely-pandemic> (accessed July 31, 2024).

pandemic.⁶¹ According to the Centers for Disease Control, almost half (44%) of all young people who participated in the Adolescent Behaviors and Experiences Survey reported persistently feeling sad or hopeless.⁶² Furthermore, by June 2021, over 140,000 children in the United States had lost a parent or grandparent to the virus, with those of racial or ethnic minority groups, including those living in tribal areas, among the most impacted.⁶³ Panelist Dawn Lindsley, who, at the time she presented testimony was the College and Career Readiness and 4-H Extension Educator at the University of Nebraska at Lincoln, stated that the combination of "social isolation, fear of infection, grief of losing loved ones and overwhelming uncertainty has taken a toll on everyone's mental health."⁶⁴

The pandemic made it clear that social connections for young people are one of the most important predictors of healthy development and wellbeing.⁶⁵ Panelist Dr. Drew Cingel, Associate Professor in the Department of Communications at the University of California Davis, shared findings from his study "U.S. adolescents' attitudes toward school, social connection, media use, and mental health during the COVID-19 pandemic: Differences as a function of gender identity and school context" with the Committee, in which he and fellow authors took a national sample of 1,256 American adolescents (ages 14–16) one year after the start of the Covid-19 pandemic to assess how remote learning and interruptions to their school and social routines affected their mental health.⁶⁶ Dr. Cingel's study highlighted that "perhaps no group experienced more disruption to normal life than children and adolescents, as schools quickly transitioned to virtual learning in attempts to slow the spread of the virus in the Spring of 2020, following the guidance of local and federal health agencies."⁶⁷ The school context that adolescents experienced, whether in-person,

⁶¹ Children's Hospital Association. "Children's Hospitals Declare National Emergency in Children's Mental Health." October 19, 2021. <https://www.childrenshospitals.org/news/newsroom/2021/11/childrens-hospitals-declare-national-emergency-in-childrens-mental-health> (accessed July 31, 2024).

⁶² Villavicencio Testimony, Transcript 2, p. 8; *See also*: Everett Jones, Sherry, Ethier, Kathleen A., and Hertz, Marci, et al. "Mental Health, Suicidality, and Connectedness Among High School Students During the COVID-19 Pandemic — Adolescent Behaviors and Experiences Survey, United States, January–June 2021." Centers for Disease Control. April 1, 2022. <https://www.cdc.gov/mmwr/volumes/71/su/su7103a3.htm> (accessed July 28, 2024).

⁶³ Hills, Susan D., Blenkinsop, Alexandra, Villaveces, Andrés, et al. (2021). COVID-19–Associated Orphanhood and Caregiver Death in the United States Pediatrics, 148(6), 1-13 <https://publications.aap.org/pediatrics/article/148/6/e2021053760/183446/COVID-19-Associated-Orphanhood-and-Caregiver-Death?autologincheck=redirected>.

⁶⁴ Lindsley Testimony, Transcript 2, p. 3.

⁶⁵ Cingel Testimony, Transcript 1, p. 5.

⁶⁶ Cingel Testimony, Transcript 1, p. 3-6; *See also*: Cingel, Drew, Lauricella, Alexis R., Taylor, Lauren B., et al. "U.S. adolescents' attitudes toward school, social connection, media use, and mental health during the COVID-19 pandemic: Differences as a function of gender identity and school context." PLoS One. 2022; 17(10), p. 2. doi: 10.1371/journal.pone.0276737

⁶⁷ Cingel, Drew, Lauricella, Alexis R., Taylor, Lauren B., et al. "U.S. adolescents' attitudes toward school, social connection, media use, and mental health during the COVID-19 pandemic: Differences as a function of gender identity and school context." PLoS One. 2022; 17(10), p. 1. doi: 10.1371/journal.pone.0276737

virtual, or a hybrid of the two, varied from state to state, school district to school district, and even within families.⁶⁸

Dr. Cingel's study found that remote learning resulted in worse outcomes for adolescents in terms of their school satisfaction and performance and their social connection and inclusion.⁶⁹ Specifically, Dr. Cingel stated,

"They had less positive feelings about school. They found that their schoolwork was less meaningful. They were less interested in their coursework. They were less satisfied with school in general. They experienced a greater drop in grades. They were less satisfied with their social connections, and they felt less included in a social group. The exact same pattern of findings occurred for adolescents who identified as transgender or gender nonconforming."⁷⁰

Those who attended school in-person reported mostly opposite results, and were more likely to engage with their friends and peers while not having to confront the technological issues associated with remote learning, illustrating the importance of in-person schooling to social satisfaction, school success, and mental health.⁷¹ Students who experienced hybrid schooling (a combination of remote learning and in-person school) scored in between the other two categories.⁷²

Mental Health Impacts of the Covid-19 Pandemic in Nebraska

Schools in Nebraska reopened in August 2020, earlier than most schools nationwide, and gave students the option to return to school in-person or continue with remote learning.⁷³ While public schools statewide generally met high standards after the first full year of the return to school, there were some concerning trends. According to the Nebraska Department of Education's 2021 Student-Centered Assessment, nearly 50% of students across grade levels were on track or met the benchmark for math and English Language Arts.⁷⁴ Additionally, although ACT scores declined,

⁶⁸ Cingel, Drew, Lauricella, Alexis R., Taylor, Lauren B., et al. "U.S. adolescents' attitudes toward school, social connection, media use, and mental health during the COVID-19 pandemic: Differences as a function of gender identity and school context." PLoS One. 2022; 17(10), p. 2. doi: 10.1371/journal.pone.0276737

⁶⁹ Cingel Testimony, Transcript 1, p. 5.

⁷⁰ Ibid.

⁷¹ Cingel, Drew, Lauricella, Alexis R., Taylor, Lauren B., et al. "U.S. adolescents' attitudes toward school, social connection, media use, and mental health during the COVID-19 pandemic: Differences as a function of gender identity and school context." PLoS One. 2022; 17(10), p. 12. doi: 10.1371/journal.pone.0276737

⁷² Ibid.

⁷³ Dejka, Joe. "Nebraska's early push to reopen schools during COVID had other states playing catch-up," Omaha World-Herald. Updated August 3, 2021. https://omaha.com/news/local/education/nebraskas-early-push-to-reopen-schools-during-covid-has-other-states-playing-catch-up/article_ba05e7e8-b4f0-11eb-a4a0-5fce0c5c0ff7.html (accessed July 30, 2024). Note: Exception of Omaha Public Schools which opened later in Fall 2020.

⁷⁴ Nebraska Department of Education. "Nebraska Assessment Results Highlight Importance of Stability and Support for Schools to Meet Student Needs." December 6, 2021. https://www.education.ne.gov/press_release/nebraska-assessment-results-highlight-importance-of-stability-and-support-for-schools-to-meet-student-needs/ (accessed August 2, 2024).

they remained competitive at the national level.⁷⁵ Despite these successes, the assessment found that the pandemic appeared to have widened achievement gaps in math and English between White students and students from racial and ethnic minorities.⁷⁶ Chronic absenteeism also increased substantially during the 2020-2021 school year.⁷⁷ In addition to these challenges, schools also had to face the growing mental health crisis faced by young people as they began their first full academic-year during the pandemic.⁷⁸

A survey of educators, mental and behavior health providers, and Nebraska parents and caregivers, conducted by the Center of Reducing Health Disparities at the University of Nebraska Medical Center between June and August of 2020 found a decreases in overall reported happiness of children, as well as increases in anxiety, depression and family stress compared to pre-pandemic levels.⁷⁹ Respondents also reported concerns about loss or interruption of mental and behavioral health services during the pandemic as well as increases in unsafe childcare situations, including neglect and abuse due to the home/family disruptions, economic insecurity, and general stress caused by the pandemic.⁸⁰

Panelist Liesel Hogan, who, at the time she provided testimony was a School Mental Health Therapist with the Nebraska Educational Service Unit (ESU) #3, spoke about this situation. With the pandemic, "Kids stayed home, parents stayed home, and I think it's been really challenging for a percentage of students to then get moving. The amount of motivation that it takes to then leave their house to attend school, to engage in their classroom studies has been a lot more energy than they sometimes have due to their mental health struggles and that's been really challenging on the school side."⁸¹ As students acclimated to the various Covid-19 precautionary measures such as social distancing and hygiene practices in the school environment, Nebraskans had only recently undergone recovery from devastating flooding that occurred in 2019, which caused widespread damage.⁸² This was the intersection of a mental health crisis and a global pandemic.⁸³

⁷⁵ Nebraska Department of Education. "Nebraska Assessment Results Highlight Importance of Stability and Support for Schools to Meet Student Needs." December 6, 2021. https://www.education.ne.gov/press_release/nebraska-assessment-results-highlight-importance-of-stability-and-support-for-schools-to-meet-student-needs/ (accessed August 2, 2024).

⁷⁶ Ibid.

⁷⁷ Ibid.

⁷⁸ Launch Nebraska. "Covid-19 Special Report." Nebraska Department of Education. <https://www.launchne.com/20-21/covid-19-special-report/> (accessed February 28, 2023).

⁷⁹ Ern, Jessica, Su, Dejun. "Access to Pediatric Mental and Behavioral Health Services in Nebraska: Integrating Perspectives from Educators, Healthcare Providers and Parents." 2022. Center for Reducing Health Disparities, College of Public Health, University of Nebraska Medical Center, p. 28. <https://dhhs.ne.gov/MCAH/NEPMAP%20Year%204%20Report%20September%202022.pdf> (accessed November 14, 2024).

⁸⁰ Ern, J. & Su, E. (2022) p. 31-32.

⁸¹ Hogan Testimony, Transcript 3, p. 12.

⁸² Lindsley Testimony, Transcript 2, p. 4; *See also*: Schwartz, Matthew S. "Nebraska Faces Over \$1.3 Billion In Flood Losses." National Public Radio. March 21, 2019. <https://www.npr.org/2019/03/21/705408364/nebraska-faces-over-1-3-billion-in-flood-losses> (accessed July 30, 2024).

⁸³ Pollock Testimony, Transcript 3, p. 22-23.

While certain school districts such as Omaha Public Schools recognized the importance of extracurricular activities in alleviating mental health concerns and reinstated those programs as soon as they were able to, other districts, especially those in rural areas were not able to holistically support their students due to a lack of mental health resources.⁸⁴ Panelists spoke about a serious school workforce shortage that has especially affected rural communities.⁸⁵ The Behavioral Education Center of Nebraska highlighted in their Fiscal Year 2020-2021 report that 88 of 93 counties in Nebraska are designated as Mental Health Professions Shortage Areas.⁸⁶

Panelists with experience in direct mental health practice concurred that ideally, Educational Service Units (ESUs) throughout the state would be best suited to provide mental health services to students.⁸⁷ ESUs were created by the Nebraska Legislature in 1965 as a way to provide core services to school districts and "act in a cooperative and supportive role with the State Department of Education and school districts in development and implementation of long-range plans, strategies, and goals for the enhancement of educational opportunities."⁸⁸ If staffed appropriately, panelists believe that ESUs could "provide and support districts and school-based mental health services, for example, partner with local agencies, providers, and hospitals to get these supports to students and families who desperately want and need them."⁸⁹ More information on the impact of the education workforce shortage will be discussed in Finding #5.

Finding II - The Committee Heard Testimony Indicating that Marginalized Communities in Nebraska Faced Compounded Mental Health Issues as a Result of the Covid-19 Pandemic

Panelists spoke to the Committee about how mental health challenges intersected with other quality-of-life indicators for students from historically marginalized communities, including those in low-income families and neighborhoods, immigrant students and those learning English, special education students, and those living in tribal and rural communities.⁹⁰

⁸⁴ Holman Testimony, Transcript 4, p. 5.

⁸⁵ Pollock Testimony, Transcript 3, p. 18.

⁸⁶ Behavioral Health Education Center of Nebraska. "Legislative Report Fiscal Years 2020 & 2021." https://www.unmc.edu/bhecndocuments/bhecndocuments/legislative_report_fy20-21_final.pdf (accessed July 31, 2024).

⁸⁷ Pollock Testimony, Transcript 3, p. 18; *See also*: Hogan Testimony, Transcript 3, p. 20.

⁸⁸ Neb. Rev. Stat. §79-1204(2)(a); *See also*: Neb. Rev. Stat. §79-1204(2)(d).

⁸⁹ Pollock Testimony, Transcript 3, p. 18; *See also*: Hogan Testimony, Transcript 3, p. 20.

⁹⁰ Villavicencio Testimony, Transcript 2, p. 9.

Immigrant Students and English Language Learners

The state of Nebraska has a foreign-born population of 142,569 (7.2% of the population), with the majority of these residents having been born in a Latin American or Asian country.⁹¹ According to the Nebraska Department of Education, the number of English language learners in public schools throughout the state has grown in recent years, from comprising 7.43% of the total student population during the 2019-2020 school year to 9.15% during the 2023-2024 school year, the most recent year for which data is available.⁹²

The Covid-19 pandemic and the disruptions it caused in workforce and resource availability upended the educational services provided to English language learners, even in states and school districts with robust histories of serving immigrant families.⁹³ National trends among English language learners for the 2020-2021 school year indicated that school districts saw decreased enrollment, decreased grades, and increased absenteeism throughout the English language learner student population, which affected staffing and budgeting decisions.⁹⁴ Furthermore, remote learning isolated English language learners and many districts did not have capacity to deliver high-quality English instruction in a virtual format.⁹⁵ Parents of English language learners also reported that their children's mental health had deteriorated due to the pandemic.⁹⁶ Panelist Lanetta Edison-Soe, a Health Education and Advocacy Program Manager and Karen Community Advocate at the Asian Community and Cultural Center, an organization which predominantly serves the Asian immigrant and refugee population in Lincoln, Nebraska, shared that the pandemic brought out emotional and psychological challenges for the families the organization serves.⁹⁷ According to Edison-Soe, these families struggled during the period of lockdown and experienced higher rates of anxiety, depression, and distress.⁹⁸

⁹¹ Migration Policy Institute. "Nebraska, Demographics & Social." <https://www.migrationpolicy.org/data/state-profiles/state/demographics/NE> (accessed August 2, 2024).

⁹² Nebraska Department of Education. "Nebraska Public Schools State Snapshot, English Learners, 2023-2024." <https://nep.education.ne.gov/#/profiles/state/full-profile/demographics-and-programs/english-learner?dataYears=20232024> (accessed July 9, 2025).

⁹³ Villavicencio Testimony, Transcript 2, p. 20.

⁹⁴ Lazarin, Melissa. "English Learner Testing during the Pandemic, An Early Readout and Look Ahead." Migration Policy Institute. May 2022. https://www.migrationpolicy.org/sites/default/files/publications/mpi_el-testing-pandemic_final.pdf (accessed August 16, 2024).

⁹⁵ Ibid.

⁹⁶ Ibid.

⁹⁷ Edison-Soe Testimony, Transcript 4, p. 10.

⁹⁸ Edison-Soe Testimony, Transcript 4, p. 9.

Stressors Faced by Immigrant Families

Research has shown that trauma caused from the experience of migrating and postmigration stressors, such as discrimination and limited access to necessities, are closely linked to immigrant health and well-being.⁹⁹

For many immigrant families, mental health is not their priority when compared to other needs such as keeping up with long shifts at work and dealing with the complexity of immigration processes for those who are undocumented.¹⁰⁰ Panelist Dr. Lina Traslaviña Stover, Executive Director at the Heartland Workers Center in Omaha, Nebraska, spoke about the challenges that immigrant essential workers in the state have faced throughout the pandemic and stated, "mental health [is] not something that honestly people have in the forefront because we are just trying to survive, keep our job and not get an extra point so we are not suspended from our jobs."¹⁰¹ Additionally, many migrant essential workers, who already lacked adequate access to health care and insurance pre-pandemic, lived and worked in crowded conditions that did not allow for social distancing and put them at a greater risk for contracting the Covid-19 virus.¹⁰² Furthermore, undocumented immigrants were ineligible for social protection and economic relief programs established by the federal government to help communities recover from the pandemic, with very few exceptions.¹⁰³

Asian immigrant communities struggled with their mental health due to the nationwide rise in anti-Asian hate crimes since the start of the Covid-19 pandemic. Surveys conducted by the Pew Research Center indicated that one-third of English-speaking Asian adults feared they would be threatened or physically attacked, and they were more likely than other racial and ethnic groups to have changed their daily routines due to these concerns.¹⁰⁴ The Federal Bureau of Investigation reported that the number of reported hate crimes in the United States rose in 2020 to its highest level in 12 years, and the vast majority of the reported hate crimes, 60%, targeted people because

⁹⁹ Miller, Alisa B., Davis, Seetha H., Mulder, Luna A., et al. (2024). "Leveraging community-based mental health services to reduce inequities for children and families living in United States who have experienced migration-related trauma." *Psychological Trauma: Theory, Research, Practice, and Policy*, p. 16 (Suppl 2), S426–S434. <https://doi.org/10.1037/tra0001392> (accessed July 30, 2024).

¹⁰⁰ Traslaviña Stover Testimony, Transcript 4, p. 8.

¹⁰¹ Ibid.

¹⁰² World Bank Group. "Potential Responses to the COVID-19 Outbreak in Support of Migrant Workers." Living Paper, Version 10, June 19, 2020. [Potential-Responses-to-the-COVID-19-Outbreak-in-Support-of-Migrant-Workers-June-19-2020.pdf](https://www.worldbank.org/publications/livingpaper/Potential-Responses-to-the-COVID-19-Outbreak-in-Support-of-Migrant-Workers-June-19-2020.pdf) (worldbank.org) (accessed August 2, 2024).

¹⁰³ UNICEF. "Technical Note, Social Protection for Children and Families in the Context of Migration and Displacement during COVID-19." August 13, 2020. <https://www.unicef.org/media/83531/file/Social-Protection-for-Children-and-Families-in-the-Context-of-Migration-and-Displacement-during-COVID-19.pdf> (accessed July 31, 2024).

¹⁰⁴ Ruiz, Neil G., Im, Carolyne, Tian, Ziyao. "Asian Americans and discrimination during the COVID-19 pandemic." Pew Research Center. November 30, 2023. <https://www.pewresearch.org/2023/11/30/asian-americans-and-discrimination-during-the-covid-19-pandemic/> (accessed August 6, 2024).

of their race, ethnicity, or ancestry.¹⁰⁵ Anti-Asian hate crimes increased sharply by over 70%.¹⁰⁶ According to the U.S. Department of Justice data on hate crime incidents in Nebraska in 2022, nearly 66% of hate crimes were crimes against persons and the highest-ranking category for bias motivation was "race/ethnicity/ancestry" at 70%, which is higher than the national-level statistics.¹⁰⁷ Panelist Lanetta Edison-Soe shared that the communities her organization serves experienced trauma due to anti-Asian hate crimes. She shared that students affected by the trauma and stress stemming both from this violence and the isolation from their peers manifested their feelings through angry outbursts.¹⁰⁸

Challenges Faced by Native American Students

According to the 2020 U.S. Census, there were 23,102 individuals who identified as American Indian and Alaska Native living in Nebraska, or 1.2% of the state's population.¹⁰⁹ Panelist Dr. Anitra Warrior, President, CEO, and Psychologist at Morningstar Counseling in Lincoln, Nebraska, shared important statistics affecting the mental health status of the Native American community in Nebraska and information about a mental health assessment she conducted directly with local schools in order to develop recommendations for the Nebraska Department of Education.¹¹⁰ As part of her testimony to the Committee, she shared that mental health concerns, such as depression, have been a long-term challenge among Native Americans in Nebraska. Rates of depression reached a high point during 2006-2010 and then actually decreased significantly through 2020, although they were still higher than any other race or ethnicity.¹¹¹ Dr. Warrior also explained that suicide rates in Nebraska tribal communities increased in 2020.¹¹² Nationwide, the American Indian and Alaska Native population had among the highest suicide death rates in 2021.¹¹³ The overall suicide death rate in Nebraska increased by 43% between 2011 and 2021.¹¹⁴

¹⁰⁵ U.S. Department of Justice and U.S. Department of Health and Human Services. "Raising Awareness of Hate Crimes and Hate Incidents During the Covid-19 Pandemic." <https://www.justice.gov/hatecrimes/file/1223831/dl?inline=1> (accessed August 6, 2024) [Archived URL: <https://www.justice.gov/archives/crs/highlights/2020-hate-crimes-statistics>].

¹⁰⁶ Ibid.

¹⁰⁷ U.S. Department of Justice. "Hate Crimes Fact Sheet, Nebraska, Hate Crimes Incidents in 2022." https://www.justice.gov/d9/2024-01/nebraska_hate_crimes_incidents_2022.pdf (accessed August 6, 2024).

¹⁰⁸ Edison-Soe Testimony, Transcript 4, p. 10.

¹⁰⁹ United States Census Bureau. "Nebraska." <https://data.census.gov/profile/Nebraska?g=040XX00US31> (accessed August 16, 2024).

¹¹⁰ Warrior Testimony, Transcript 4, p. 16.

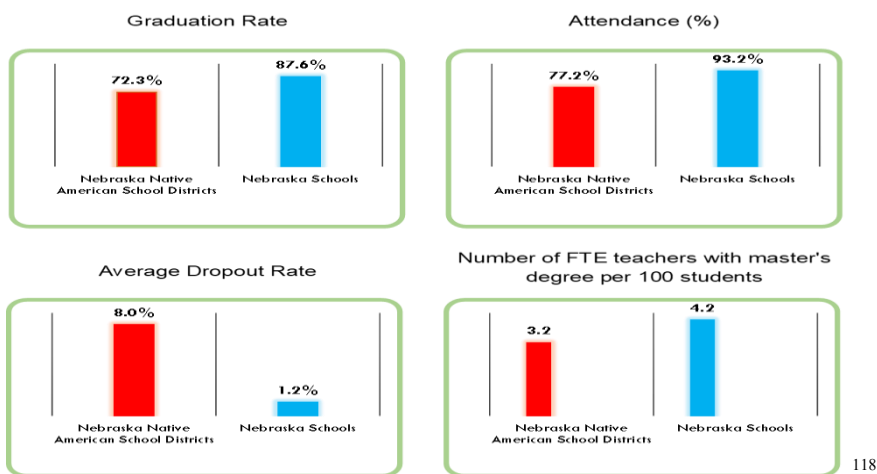
¹¹¹ Warrior Testimony, Transcript 4, p. 15; *See also*: Warrior Testimony, March 6, 2024, *Web Briefing*, supplemental slides, slide 4.

¹¹² Warrior Testimony, Transcript 4, p. 15.

¹¹³ Saunders, Heather, Panchal, Nirmita. "A Look at the Latest Suicide Data and Change Over the Last Decade." KFF. August 4, 2023. <https://www.kff.org/mental-health/issue-brief/a-look-at-the-latest-suicide-data-and-change-over-the-last-decade/> (accessed August 16, 2024).

¹¹⁴ Ibid.

Dr. Warrior also spoke about the "disconnected youth" population who are classified as young people between the ages of 16 and 24 who are not in school and not working, and shared that the number of disconnected youth is much higher among the Native population.¹¹⁵ Youth disconnection can affect social determinants of health later on in life, including income, quality of mental health, and housing, for example.¹¹⁶ In Nebraska, 8.2% of youth are considered to be disconnected.¹¹⁷ Key education outcomes have been negative for even those Native American students who have been engaged with school when compared with non-Native American school districts throughout the state:



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Upon reflecting on what could have been improved in the mental health response to Native American families during the pandemic, Dr. Warrior remarked that she would have worked to reduce the stigma associated with mental health services for children and families as well as working to improve outreach to make these services more accessible.¹¹⁹ She stated:

"I think that that could have been really helpful for the schools, the students, because that was overwhelming for our parents to try and work and then be the teacher as well. It was so much and then worrying about finances and just their own

¹¹⁵ Warrior Testimony, Transcript 4, p. 15; *See also*: Measure of America of the Social Science Research Council. "Youth Disconnection." <https://www.measureofamerica.org/DYinteractive/> (accessed August 6, 2024).

¹¹⁶ Warrior Testimony, Transcript 4, p. 15.

¹¹⁷ Measure of America of the Social Science Research Council. "Youth Disconnection." <https://www.measureofamerica.org/DYinteractive/> (accessed August 6, 2024).

¹¹⁸ Warrior Testimony, March 6, 2024, Web Briefing, supplemental slides, slide 47.

¹¹⁹ Warrior Testimony, Transcript 4, p. 21.

livelihood. I know we lost a number of people across our reservations, as happened across the country. So that would be something that I would've done differently."¹²⁰

Challenges Faced by Students from Low-Income Households

Per the 2022 U.S. Census Bureau American Community Survey, 11.2% of Nebraska's population lived in poverty, with a majority of those living in poverty being children under 18 years old.¹²¹ While the state's poverty rate declined slightly in 2023 to 10.5%, the number and percentage of children eligible for free or reduced-price lunch actually grew as a temporary expansion of Earned Income Tax Credit (which had reduced taxes for families with minor children) expired.¹²² As of the 2023-2024 school year, 51.8% of public school students in Nebraska received free or reduced lunch, the highest rate in at least the last 14 years.¹²³

Students from low-income households are more likely to be chronically absent from school.¹²⁴ The Committee heard direct testimony about a dynamic called "chronic absenteeism" that was exacerbated by the pandemic with important but uneven consequences for different populations.¹²⁵ Chronic absenteeism is defined as missing 10 percent or more of school days due to absence for any reason, and students who live in poverty are two to three times more likely to be chronically absent.¹²⁶ That dynamic, which is subject of a lot of academic inquiry,¹²⁷ is understood by the Committee as being both an outcome (and, as such, a product of a number of underlying causes that merit attention) and itself generative, meaning it seems to complicate/compromise various prospective initiatives to ameliorate inequalities exacerbated by Covid-19. Thus, this finding deserves the important caveat, that too often and too easily, those who are chronically absent (i.e., children and youth) and those who might influence that dynamic (e.g., parents/guardians) are blamed for their vulnerability rather than seen as tied into and not fully agentive in relation to much larger systems and structures that encourage and contribute to absenteeism.

¹²⁰ Warrior Testimony, Transcript 4, p. 21.

¹²¹ United States Census Bureau. "Nebraska." <https://data.census.gov/profile/Nebraska?g=040XX00US31> (accessed August 16, 2024).

¹²² Nebraska Department of Education. "2023-2024 Nebraska Public Schools State Snapshot, Free/Reduced Lunch." <https://nep.education.ne.gov/#/profiles/state/full-profile/demographics-and-programs/free-reduced-lunch?dataYears=20232024> (accessed March 4, 2025).

¹²³ Nebraska Department of Education. "2023-2024 Nebraska Public Schools State Snapshot, Free/Reduced Lunch." <https://nep.education.ne.gov/#/profiles/state/full-profile/demographics-and-programs/free-reduced-lunch?dataYears=20232024> (accessed July 9, 2025).

¹²⁴ Attendance Works. "Chronic Absence – The Problem." <https://www.attendanceworks.org/chronic-absence/the-problem/> (accessed March 10, 2025).

¹²⁵ See: Rida Testimony, Transcript 5, p. 12-15.

¹²⁶ Attendance Works. "Chronic Absence." <https://www.attendanceworks.org/chronic-absence/the-problem/> (August 7, 2024).

¹²⁷ Gottfried, Michael A. (2014). "Chronic Absenteeism and Its Effects on Students' Academic and Socioemotional Outcomes." *Journal of Education for Students Placed at Risk*. Volume 19, Issue 2. <https://doi.org/10.1080/10824669.2014.962696>

Chronic absence limits students from exposure to social interactions, and learning and engaging in behavioral expectations of routines that are important for development.¹²⁸ This has also caused students to fall behind academically, which puts them at risk of finishing school without the skills, behaviors, and mindsets to succeed in their futures.¹²⁹ Panelist Dr. Zainab Rida, Equity Officer and Administrator at Nebraska Department of Education shared the following concerns about this topic with the Committee:

"Chronic absenteeism unfortunately worsened by the challenges of the Covid-19 pandemic, which causes a significant threat to the realization of our mission. Research constantly demonstrates that the correlation between chronic absenteeism and academic performance with low-income students, student of color, and student with disability are disproportionately affected. We know it's very crucial to understand that students can only benefit from classroom instruction if they are present. Alarming, chronic absenteeism as early as preschool, kindergarten, and first grade is a proven early warning sign that a student will fall behind in reading and other key areas by third grade. By secondary school, chronic absenteeism predicts course failure, dropout of school, and even contributes to the school-to-prison pipeline. Low-income students, students of color, and students with disability often face a significant barrier that contribute to higher rate of absenteeism, and that specifically they face during Covid-19. Those barriers encompass chronic and acute illness, family responsibilities or home situation, trauma, poor transportation, housing and food insecurity, and equitable access to needed services, system involvement, and community violence."¹³⁰

Dr. Rida reported that, during 2022-2023 school year, about 69,000 students, or 22% of Nebraskan students, were chronically absent, therefore impeding the mission of the Department.¹³¹ Chronic absenteeism can be a factor in achievement gaps and can result in long-term damages not only to a student's academic success, but other quality-of-life outcomes.¹³² When there is chronic absenteeism in the early school grades, such as pre-school through first grade, these can be early warning signs of students falling behind in key subject matters later in elementary school while chronic absenteeism in secondary school may predict students dropping out or forming part of the

¹²⁸ Lieneman Testimony, Transcript 3, p. 18-19.

¹²⁹ Dorn, Emma, Hancock Bryan, Sarakatsannis, Jimmy. "COVID-19 and education: The lingering effects of unfinished learning." McKinsey & Company. July 27, 2021. <https://www.mckinsey.com/industries/public-sector/our-insights/covid-19-and-education-the-lingering-effects-of-unfinished-learning#/> (accessed August 2, 2024).

¹³⁰ Rida Testimony, Transcript 5, p. 13.

¹³¹ Rida Testimony, Transcript 5, p. 12-13; *See also*: Nebraska Department of Education. "Chronic Absenteeism." Coordinate School & District Support. Updated September 6, 2024. <https://www.education.ne.gov/csds/chronic-absenteeism/> (accessed October 10, 2024).

¹³² Rida Testimony, Transcript 5, p. 13-14.

school-to-prison pipeline.¹³³ The Committee heard that students most vulnerable to chronic absenteeism are those who come from under-resourced communities, students with disabilities (including mental health), and students who have experienced trauma.¹³⁴ In Nebraska, Native American school districts saw a particularly sharp decline in attendance between the 2019 and 2021 school years in which attendance fell by almost 9% compared to just over 1% at the state level.¹³⁵ Dr. Rida explained:

“[C]hronic absenteeism affects students across all grades, level, and demographics, but its consequences are disproportionately felt by disadvantaged and marginalized communities, particularly for low-income students, student of color, student who live in rural area, English language learners, and student with disabilities. The impact of chronic absenteeism goes beyond the classroom [and is] extended to lifelong academic, economic, and health disparities. Students who are chronically absent are more likely to perform poorly in school, have lower graduation rates, and face limited future opportunities.”¹³⁶

Chronic absenteeism is seen as a major equity issue by the Nebraska Department of Education and is one of the main components it uses to assess school performance and progress in its accountability system known as the Accountability for Quality Education System Today and Tomorrow.¹³⁷ Chronic absenteeism, and a school’s efforts to reduce it over time, are also a key factor in the Department’s annual classification and assessment of schools, and serve as a way for the Department to identify which schools should be prioritized for allocating funding and support.¹³⁸ For the Nebraska Department of Education, attendance standards reflect the expectation that students should be present daily in school to maximize their learning experience.¹³⁹

Furthermore, at the national level, by the Spring of 2021 students from low-income households were the most likely to have fallen behind in reading and math:

¹³³ Rida Testimony, Transcript 5, p. 13. For more information, see:

<https://publications.aap.org/pediatrics/article/143/2/e20183648/37326/The-Link-Between-School-Attendance-and-Good-Health?autologincheck=redirected>

¹³⁴ Rida Testimony, Transcript 5, p. 13

¹³⁵ Warrior Testimony, *March 6, 2024, Web Briefing*, supplemental slides, slide 49; *See also*: Nebraska Department of Education. “Nebraska Public Schools State Snapshot.” <https://comprod.nebraska.gov/essa/pdf/?agency=00-0000-000&datayear=20212022> (accessed October 11, 2024).

¹³⁶ Rida Testimony, Transcript 5, p. 15.

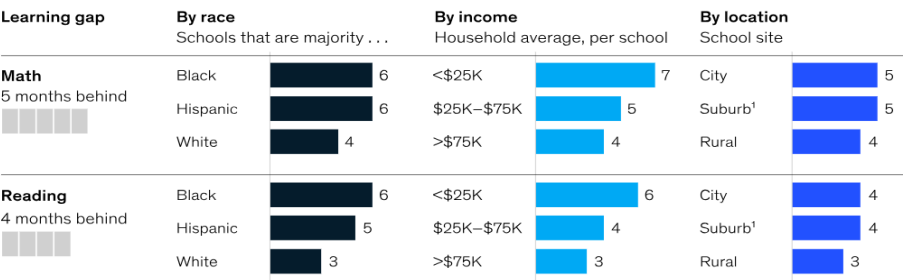
¹³⁷ Rida Testimony, Transcript 5, p. 13; *See also*: Nebraska Department of Education. “Nebraska State Board of Education Position Statements. S2 – Accountability for Quality Education System, Today and Tomorrow (AQuESTT).” <https://www.education.ne.gov/policyreference/s2/> (accessed October 11, 2024).

¹³⁸ Rida Testimony, Transcript 5, p. 14.

¹³⁹ *Ibid.*

By the end of the 2020–21 school year, students were on average five months behind in math and four months behind in reading.

Cumulative months of unfinished learning due to the pandemic by type of school, grades 1 through 6



¹Town or suburb.
Source: Curriculum Associates i-Ready assessment data

McKinsey
& Company

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The Committee would like to note that this measured loss, which was based on comparing students in 2021 to similar students tested prior to the pandemic, was actually less than the report authors had anticipated¹⁴¹ and they speculated that it might be because their 2021 sample had over-representation from states, like Nebraska, that were able to return faster to in-person instruction than some other states. To clarify then, learning loss related to the pandemic was substantial, it was across the board, but more acute for those from lower-income and minoritized backgrounds. It was less than feared particularly in states that were able to return to in-person instruction sooner.

Significantly, this learning loss also makes students more vulnerable to mental health challenges.¹⁴² In a nationwide survey of elementary and secondary public school teachers in 2021, the Government Accountability Office reported that nearly two-thirds of teachers surveyed had more students who showed signs of emotional distress than in a regular school year.¹⁴³ The majority of teachers with students struggling with academic progress stated that social or emotional issues were contributing factors.¹⁴⁴ In addition to the academic disadvantages, students from low-income households were also more likely to lack access to meals and access to appropriate

¹⁴⁰ Dorn, Emma, Hancock Bryan, Sarakatsannis, Jimmy. "COVID-19 and education: The lingering effects of unfinished learning." McKinsey & Company. July 27, 2021. <https://www.mckinsey.com/industries/public-sector/our-insights/covid-19-and-education-the-lingering-effects-of-unfinished-learning/> (accessed August 2, 2024).

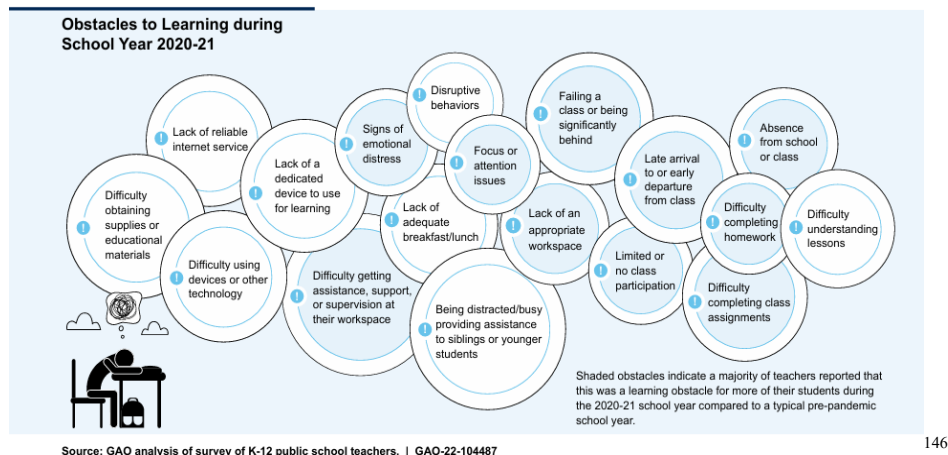
¹⁴¹ Ibid.

¹⁴² Ibid.

¹⁴³ United States Government Accountability Office. "Pandemic Learning: As Students Struggled to Learn, Teachers Reported Few Strategies as Particularly Helpful to Mitigate Learning Loss." GAO-22-104487. May 2022. <https://www.gao.gov/assets/gao-22-104487.pdf> (accessed August 16, 2024).

¹⁴⁴ Ibid.

workspaces and assistance with their work.¹⁴⁵ This compounded lack of resources heightened the likelihood of mental health challenges. The following graphic illustrates the variety of unprecedented challenges students typically faced in their first full school year during the pandemic:



Panelist Lestina Saul-Merdassi, a Behavioral Health Counselor, Certified Advocate, and Youth Program Director for Project Beacon at the Nebraska Urban Indian Health Coalition, explained that these challenges persisted in many communities that already had an inadequate behavioral health system prior to the pandemic.¹⁴⁷ She recalled parents asking for resources only to be told that there is a two-year wait or that they cannot be helped, and that options were ever more slim for children from low-income households.¹⁴⁸ One solution the Committee heard includes increasing mental health supports within the school system in order to be as accessible as possible to the students who most need the services. Panelist Liesel Hogan shared her first-hand experience in seeing this strategy work effectively:

"I believe that increasing mental health supports within the educational service units or anyone who's doing embedded work within the school system is a more effective method of delivery for those low-income disadvantaged students who

¹⁴⁵ United States Government Accountability Office. "Pandemic Learning: Teachers Reported Many Obstacles for High-Poverty Students and English Learners As Well As Some Mitigating Strategies." GAO-22-105815. May 2022. <https://www.gao.gov/assets/gao-22-105815.pdf> (accessed August 16, 2024).

¹⁴⁶ United States Government Accountability Office. "Pandemic Learning: As Students Struggled to Learn, Teachers Reported Few Strategies as Particularly Helpful to Mitigate Learning Loss." GAO-22-104487. May 2022. <https://www.gao.gov/assets/gao-22-104487.pdf> (accessed August 16, 2024).

¹⁴⁷ Saul-Merdassi Testimony, Transcript 3, p. 19.

¹⁴⁸ Ibid.

might not otherwise even have access. And the programs that I worked before in rural Nebraska, the school districts were supporting this work. So, they're paying for the services. So that means that any student who's having any sort of mental health crisis or struggle within the school building gets to access these services regardless of ability to pay, which is a huge, huge barrier elimination for a lot of particularly low-income or otherwise disadvantaged students. Removing those barriers in real tangible ways means that mental health supports and delivery is just far more effective."¹⁴⁹

The Rural-Specific Dimension of Mental Health Challenges

Rural school districts recognized that students, teachers, and staff were struggling with mental health and wellness because of the pandemic.¹⁵⁰ School districts endeavored to create supportive school environments and worked to implement strategies to promote resilience, coping skills and self-care, counseling and mental health resources, and wellness programs.¹⁵¹ Panelist Zainab Rida explained that students in rural areas and smaller school districts lack sufficient qualified mental health professionals, which affects their academic performance and overall wellness.¹⁵² Panelist Leisel Hogan illustrated these challenges when she shared about her own first-hand experience serving students in rural communities and their isolation from needed resources:

"I referred two students yesterday to higher intensive treatment facilities where they could get differing levels for each of them, interventions and care. Whereas in central Nebraska and more rural Nebraska, I don't have those options. So I might have a student who is really struggling, who needs a more intensive service, and I'm the only provider within 45 miles and I'm within the school building. I don't provide crisis care. I don't provide after-hours care. I'm not providing family services. It's strictly one-on-one student services without any of those extra layers...I think our rural schools are inevitably more impacted. I see a lot more economic struggles in more rural communities because there is just less access to things like food banks or all of those varying services that support families who are struggling."¹⁵³

Finding III – The Pandemic Exposed Gaps in the Digital Divide throughout Nebraska, although State and Local School Districts Continue Working to Address Them

¹⁴⁹ Hogan Testimony, Transcript 3, p. 20.

¹⁵⁰ Cerny Testimony, Transcript 5, p. 9.

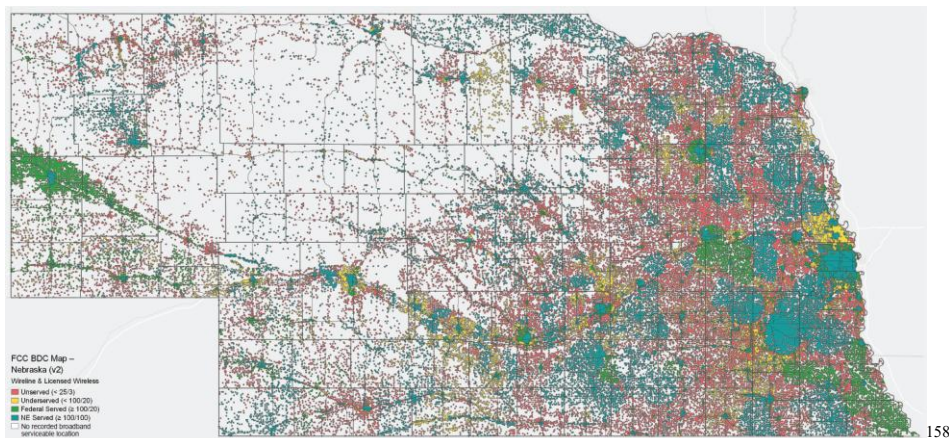
¹⁵¹ Ibid.

¹⁵² Rida Testimony, Transcript 5, p. 14.

¹⁵³ Hogan Testimony, Transcript 3, p. 25.

At the height of the pandemic, the lack of access to devices and/or reliable high-speed internet interfered with students' ability to participate in remote instruction, to complete homework assignments or access digital tools needed for learning, both during and after remote instruction. This result of the digital divide has been termed "the homework gap."¹⁵⁴ This important challenge has also somewhat been mitigated since, as described by panelists who shared testimony with the Committee.

Panelist Anne Byers, Digital Equity Manager and Administrative Manager at the Nebraska Information Technology Commission, testified before the Committee and shared that about a third of Nebraska households either have no internet access or just one type of device and are at risk of being under connected.¹⁵⁵ Those in Nebraska most likely to rely on a mobile device for their internet connection rather than a laptop at home include racial minorities, Native Americans, Limited English speakers, and those with less than a high school degree.¹⁵⁶ Furthermore, over 14,000 K-12 students in Nebraska do not have internet access or a computer.¹⁵⁷ Byers shared the following visual that illustrates the levels of access to broadband across the state, in which the green and blue areas have increasingly strong access to broadband internet, and the red to yellow areas lack high-speed internet and are underserved and unserved, respectively:



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¹⁵⁴ McLaughlin, Claire. "The Homework Gap: The 'Cruellest Part of the Digital Divide'." NEA Today. April 20, 2016. <https://www.nea.org/nea-today/all-news-articles/homework-gap-cruellest-part-digital-divide> (accessed July 9, 2025).

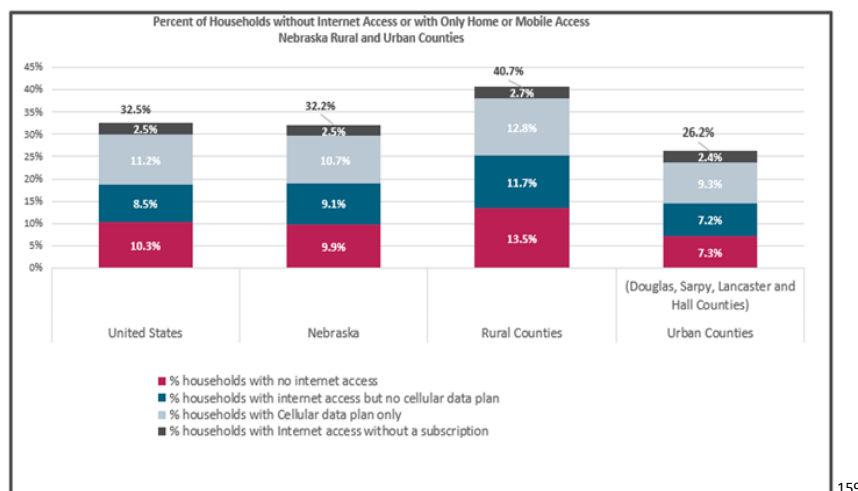
¹⁵⁵ Byers Testimony, Transcript 1, p. 7.

¹⁵⁶ Byers Testimony, July 10, 2023, *Web Briefing*, supplemental slides, slide 31.

¹⁵⁷ Byers Testimony, July 10, 2023, *Web Briefing*, supplemental slides, slide 33.

¹⁵⁸ Byers Testimony, July 10, 2023, *Web Briefing*, supplemental slides, slide 24; *See also*: The Connecting Nebraska Broadband Map has additional details on broadband availability, adoption, and funding: <https://experience.arcgis.com/experience/7dce2182601a4b339ab687f673a9811f>

Byers also shared the following data on levels of households without or with only home or mobile access broken down by rural and urban counties as compared to national levels:



The data show that while the state of Nebraska is at similar levels of households without internet as the rest of the country, at approximately 10%, there is a substantive difference between rural and urban counties as rural counties have approximately 6% more households without internet access.¹⁶⁰ Overall, about 20.7% of Nebraska households have either no devices or just one, which places individuals at a greater risk of being under connected because they are likely unable to use complex applications that require larger screens such as on laptops or desktops.¹⁶¹ According to the Nebraska Rural Broadband Task Force, "to be fully connected in today's digital economy and society, most individuals need two kinds of connectivity: mobile and fixed connectivity. Most also need two kinds of devices: a mobile device and a large screen device such as a laptop, tablet or desktop computer."¹⁶²

State Efforts to Address the Digital Divide

In response to these digital divide issues, the state of Nebraska has had a series of various initiatives underway meant to ensure that all residents have access to broadband internet. In 2018, the Rural Broadband Task Force was signed into law and was specifically tasked with reviewing "issues

¹⁵⁹ Byers Testimony, July 10, 2023, *Web Briefing*, supplemental slides, slide 27.

¹⁶⁰ *Ibid*.

¹⁶¹ Byers Testimony, Transcript 1, p. 8.

¹⁶² Nebraska Rural Broadband Task Force. "Findings and Recommendations." October 2023, at 37, https://nebraskalegislature.gov/FloorDocs/108/PDF/Agencies/Rural_Broadband_Task_Force/699_20231031-161355.pdf (accessed July 28, 2025).

relating to availability, adoption, and affordability of broadband services in rural areas of Nebraska.”¹⁶³ In 2021, the Nebraska Broadband Bridge Act was signed into law, creating a program that would facilitate and fund the deployment of broadband networks in unserved and underserved areas of the state.¹⁶⁴ Two years later, Nebraska Governor Jim Pillen announced the establishment of a Broadband Office intended to lead efforts across government agencies to expand and improve affordable and accessible high-speed broadband access.¹⁶⁵ Grants managed by the Broadband Office create opportunities and incentives for the state's broadband expansion within targeted areas that are designed to protect providers from unfair competition by using government subsidies.¹⁶⁶ They also seek to positively impact regions identified with costly buildouts, or where providers are unable to reach or improve their networks without additional funding.¹⁶⁷

Panelist Byers shared that the largest broadband funding program is the Broadband Equity, Access, and Deployment program, also known as the BEAD program, in which an excess of \$400 million in federal funding would be allocated to set up a state broadband grant program to be administered by the Broadband Office and is meant to fund broadband service to unserved locations and underserved locations.¹⁶⁸ At the national level, the BEAD Program provides \$42.45 billion to expand high-speed Internet access by funding planning, infrastructure deployment, and adoption programs across the country and prioritizes unserved and underserved locations.¹⁶⁹ According to the Broadband Office's 2023 annual report, Nebraska also has a Digital Equity Plan, a requirement that can bring additional funding that would help the state establish a digital opportunities grant program that would focus on populations impacted by the digital divide, including individuals with language barriers, individuals with disabilities, racial or ethnic minorities, low-income households, and rural communities.¹⁷⁰

Local School Efforts to Address the Digital Divide

In Summer 2019, the Nebraska Rural Broadband Task Force surveyed nearly 7,000 teachers on student access to technology and the impact of homework gaps, illustrating that there were already

¹⁶³ Neb. Rev. Stat. §86-1102(3).

¹⁶⁴ Neb. Rev. Stat. §86-1301-86-1313; *See also*: "Nebraska Broadband Bridge Program." Nebraska.gov <https://broadband.nebraska.gov/broadband-grants/nebraskabroadbandbridge/> (August 16, 2024).

¹⁶⁵ Neb. Rev. Stat. §86-333; *See also*: Office of Governor Jim Pillen. "Governor Pillen Announces Creation of Broadband Office." January 6, 2023. <https://governor.nebraska.gov/press/governor-pillen-announces-creation-broadband-office> (accessed August 2, 2024).

¹⁶⁶ Cone Testimony, Transcript 5, p. 12.

¹⁶⁷ *Ibid*.

¹⁶⁸ Byers Testimony, Transcript 1, p. 7.

¹⁶⁹ National Telecommunications and Information Administration. "Broadband Equity, Access, And Deployment (BEAD) Program." <https://www.ntia.gov/funding-programs/internet-all/broadband-equity-access-and-deployment-bead-program> (accessed August 16, 2024).

¹⁷⁰ Nebraska Broadband Office. "2023 Annual Report on the Status of Broadband Development." <https://broadband.nebraska.gov/media/mhabohyj/nbo-2023-annual-report-on-the-status-of-broadband-development-final.pdf> (August 15, 2024).

significant issues in access to remote learning before the pandemic.¹⁷¹ 37% of teachers surveyed indicated that between 21% and 40% of their students (depending on community size) did not have internet access at home, which had a direct impact on their learning.¹⁷² Notably, the majority of teachers reported that less than 25% of their assignments were dependent on internet access.¹⁷³ These findings were concerning, even before it could have been anticipated that schools would have to transition to fully remote instruction shortly after the survey was conducted.¹⁷⁴ In a later survey conducted by the Nebraska Center for Research on Children, Youth, Families, and Schools and the Nebraska Department of Education, teachers reported that only up to 50% of their students actually engaged in remote learning, a data point which was mostly seen among urban and secondary students.¹⁷⁵

When the shift to remote learning occurred, school districts in Nebraska had to adjust quickly and many were able to address the student home internet access gap by deploying hotspots or printing materials for delivery or pickup, or just simply adjusting the pace and the amount of instruction that they delivered.¹⁷⁶ Many were also able to invest in issuing devices to their students in order to complement instruction, as determined by the school district, across grade levels and regardless of household income.¹⁷⁷ Educational Service Units throughout the state were able to provide professional development to teachers to learn how to effectively use the devices and related applications and systems.¹⁷⁸ The new usage of additional applications was helpful for teachers not only in developing curriculum and grading, but in helping them use their time more effectively since they had to devote more time to managing behavior and mental health issues among students.¹⁷⁹ Panelist Ron Cone, Network Information Services Director at Nebraska ESU 10, described that this support had a positive, long-lasting effect, and stated that "Teachers continue to incorporate more online and digital instructional tools into their regular classrooms. And I believe today, more of our students and teachers would be better prepared to teach or learn in a remote learning environment if that was required again."¹⁸⁰

¹⁷¹ Cone Testimony, Transcript 5, p. 11; *See also*: State of Nebraska. "Broadband in Nebraska: Current Landscapes & Recommendations." November 2019. <https://nrtc.nebraska.gov/documents/reports/broadbandplan2019.pdf> (accessed July 28, 2025).

¹⁷² State of Nebraska. "Broadband in Nebraska: Current Landscapes & Recommendations." November 2019. <https://nrtc.nebraska.gov/documents/reports/broadbandplan2019.pdf> (accessed July 28, 2025).

¹⁷³ State of Nebraska. "Broadband in Nebraska: Current Landscapes & Recommendations." November 2019. <https://nrtc.nebraska.gov/documents/reports/broadbandplan2019.pdf> (accessed July 28, 2025).

¹⁷⁴ Cone Testimony, Transcript 5, p. 11.

¹⁷⁵ Nebraska Center for Research on Children, Youth, Families, and Schools and the Nebraska Department of Education. "COVID-19's Impacts on Nebraska Educators." 2020. <https://cyfs.unl.edu/research-network/research-projects/publications/2020/201211-Effects-of-COVID-19-on-Education-in-Nebraska.pdf> (accessed August 15, 2024).

¹⁷⁶ Cone Testimony, Transcript 5, p. 11.

¹⁷⁷ Cone Testimony, Transcript 5, p. 11, 12.

¹⁷⁸ Cone Testimony, Transcript 5, p. 11.

¹⁷⁹ Lieneman Testimony, Transcript 3, p. 21.

¹⁸⁰ Cone Testimony, Transcript 5, p. 11.

Panelist Dr. Shavonna Holman, a member of the Omaha Public Schools Board of Education, spoke about the steps the district took to pivot quickly to remote learning with the onset of the pandemic. She shared that the district superintendent and their team had to plan quickly for both the immediate and long-term, since it was unknown when students would be able to return to school. The planning included developing a drive-through for parents to pick-up materials so that students had materials to work on daily from home, developing pick-up locations for food services, and planning on how to transition towards providing adequate technology.¹⁸¹ Dr. Holman shared that the district superintendent knew that nationally, schools would have to shift towards purchasing and integrating technology into learning, and the decision was made during Spring 2020 to order 2,000 iPads for summer learning.¹⁸² The Board of Education allowed the district to make their own decisions on purchase amounts without awaiting Board approval, which gave the district more flexibility and the ability to be proactive in acquiring devices.¹⁸³ The iPads that were issued to students included unlimited data plans, cases, and a 3-year warranty.¹⁸⁴ The district had full control on which applications students had access to, which varied by grade level.¹⁸⁵ The costs totaled \$27 million and were drawn from the district's general budget and also included iPads issued to teachers and paraprofessionals.¹⁸⁶ Dr. Holman shared the following chart that illustrates the timeframes when the district made major purchases for iPads:

Timeframes of Major Omaha Public Schools' iPad Purchases¹⁸⁷:

April 2020	May 2020	July 2020	September 2020
Summer School	Initial Purchase	Early Childhood	Head Start
2,000 iPads	54,000 iPads	3,051 iPads	800 iPads

The large purchases were made at a faster rate compared to most new programs which are typically phased in over time, but making this decision early on in the pandemic equipped the district to face the uncertainty of the oncoming academic year, given the possibility of needing to close

¹⁸¹ Holman Testimony, Transcript 4, p. 4.

¹⁸² Ibid.

¹⁸³ Ibid.

¹⁸⁴ Holman PowerPoint, Slide #3.

¹⁸⁵ Earl, David. "OPS will pay \$27 million to put iPads in every student's hands." KETV Omaha ABC 7. May 4, 2020. <https://www.ketv.com/article/ops-will-pay-dollar27-million-to-put-ipads-in-every-students-hands/32371910> (August 16, 2024).

¹⁸⁶ Holman Testimony, Transcript 4, p. 4; See also: Earl, David. "OPS will pay \$27 million to put iPads in every student's hands." KETV Omaha ABC 7. May 4, 2020. <https://www.ketv.com/article/ops-will-pay-dollar27-million-to-put-ipads-in-every-students-hands/32371910> (August 16, 2024).

¹⁸⁷ Holman Testimony, March 6, 2024, Web Briefing, supplemental slides, slide 9.

classrooms due to infections.¹⁸⁸ For the 2021-2022 school year, the Board of Education voted to renew the district's contract with T-Mobile, which covered data plans on all of the iPads that had been distributed the previous year.¹⁸⁹ The cost was a yearly total of \$10.7 million and was drawn from federal pandemic relief funds.¹⁹⁰ The continued provision of internet access allowed the district to directly address digital divide concerns and enable students to have both the device and connectivity needed to successfully engage with their learning.¹⁹¹

Finding IV - The Committee Heard Testimony Indicating that the Digital Divide had a Significant Impact on Marginalized Communities

The Covid-19 pandemic forced students everywhere into a new type of learning, regardless of their access to or levels of comprehension with technology.¹⁹² In Nebraska, communities including racial and ethnic minorities, Native Americans, those with low incomes and limited English speakers were less likely to own a computer and lack broadband access.¹⁹³ This meant that young people at the intersection of race and class who lived either in an urban or rural settings were most likely to be impacted by the sudden shift to remote learning.¹⁹⁴ The Covid-19 pandemic exposed the reality that technology and access to internet have become basic necessities for every household.¹⁹⁵ Research has shown that remote learning lags behind in-person education in terms of providing a structured space to focus as well as providing support for students who need it most, such as those from underserved communities.¹⁹⁶ Panelist Jenni Benson, former President of the Nebraska State Education Association, reflected on this period and shared that while technology can be very beneficial, "nothing beats relational situations where you are there in those communities, you are having those conversations, and you're actually listening."¹⁹⁷

¹⁸⁸ Earl, David. "OPS will pay \$27 million to put iPads in every student's hands." KETV Omaha ABC 7. May 4, 2020. <https://www.ketv.com/article/ops-will-pay-dollar27-million-to-put-ipads-in-every-students-hands/32371910> (August 16, 2024).

¹⁸⁹ Nitcher, Emily. "OPS to continue providing internet-connected iPads Omaha Public Schools to continue to provide internet connectivity for district-provided iPads." Omaha World-Herald May 13, 2021. https://omaha.com/news/local/education/omaha-public-schools-to-continue-to-provide-internet-connectivity-for-district-provided-ipads/article_80ca0a8a-b299-11eb-84f0-0787e310bfd4.html#:~:text=At%20least%20one%20pandemic-inspired%20innovation%20will%20continue%20next.one%20year.%20Board%20member%20Spencer%20Head%20voted%20no (accessed August 19, 2024).

¹⁹⁰ Ibid.

¹⁹¹ Ibid.

¹⁹² Saul-Merdassi Testimony, Transcript 3, p. 7.

¹⁹³ Byers Testimony, Transcript 1, p. 8.

¹⁹⁴ Golden, Alexandra R., Srisarajivakul, Emily N., Hasselle, Amanda J. (2023). "What was a gap is now a chasm: Remote schooling, the digital divide, and educational inequities resulting from the COVID-19 pandemic." *Current Opinion in Psychiatry*. doi: 10.1016/j.copsyc.2023.101632

¹⁹⁵ Traslaviña Stover Testimony, Transcript 4, p. 7.

¹⁹⁶ Mickle Moldovan, Alesia, Capraro, Robert M., Capraro Mary Margaret. (2021). "Navigating (and Disrupting) the Digital Divide: Urban Teachers' Perspectives on Secondary Mathematics Instruction During COVID-19." *The Urban Review*. 54(2). doi: 10.1007/s11256-021-00611-4.

¹⁹⁷ Benson Testimony, Transcript 4, p. 18-19.

The Digital Divide and Immigrant Students

Students from immigrant households face additional challenges to school success. Even those who do have access to technology through their school or otherwise may still need more support due to a combination of factors that may include language barriers, a lack of familiarity with technology in the household, and inconsistent participation due to students' or their parents' work schedules or other home-based responsibilities.¹⁹⁸

In Nebraska, many immigrants work in the animal slaughter and meatpacking industry, as the state has one of the largest concentrations of this work nationwide.¹⁹⁹ According to Panelist Dr. Traslaviña Stover, workers were pressured to work hours based on a point system in which any tardiness can affect their employment at jobs that were already high-risk for Covid-19.²⁰⁰ This directly affected how much parents were able to support their children with remote learning, requiring students to figure out the new learning systems on their own.²⁰¹ In other households, the sudden reliance on technology was a financial burden. Panelist Lanetta Edison-Soe spoke to the Committee about how many families her organization serves lost their jobs and experienced housing instability, making the cost of Wi-Fi and data plans an additional burden, and that families benefitted from Chromebooks that were issued by Lincoln Public Schools.²⁰² This made the reliance on school-issued devices, especially those with paid data plans, even more critical.

The Digital Divide and Native American Students

Native American communities across the country were disproportionately affected by the pandemic due in large part to their increased likelihood of experiencing overcrowded housing, understaffed hospitals, lack of running water, and limited internet access.²⁰³ Nebraska has six federally recognized tribes that include the Iowa Tribe (also in Kansas), the Sac and Fox Nation (also in Missouri and Kansas), the Omaha Tribe, the Ponca Tribe, the Santee Sioux Nation, and

¹⁹⁸ Williams, Timothy P. "For Many Immigrant Students, Remote Learning During COVID-19 Comes with More Hurdles." Government Technology. September 21, 2020. <https://www.govtech.com/education/k-12/for-many-immigrant-students-remote-learning-during-covid-19-comes-with-more-hurdles.html> (accessed August 19, 2024).

¹⁹⁹ U.S. Bureau of Labor Statistics. "Employment of slaughters and meatpackers, by state, May 2023." Occupational Wage and Employment Statistics. <https://www.bls.gov/oes/current/oes513023.htm> (accessed August 19, 2024).

²⁰⁰ Traslaviña Stover Testimony, Transcript 4, p. 7; *See also*: Douglas, Leah. "Nearly 90% of big US meat plants had COVID-19 cases in pandemic's first year – data." Reuters. January 14, 2022. <https://www.reuters.com/business/nearly-90-big-us-meat-plants-had-covid-19-cases-pandemics-first-year-data-2022-01-14/> (August 15, 2024).

²⁰¹ Traslaviña Stover Testimony, Transcript 4, p. 7.

²⁰² Edison-Soe Testimony. Transcript 4, p. 9, 10.

²⁰³ Shah, Arnav, Seervai, Shanoor, Paxton, Isabel, et al. "The Challenge of COVID-19 and American Indian Health." The Commonwealth Fund. August 12, 2020. <https://www.commonwealthfund.org/blog/2020/challenge-covid-19-and-american-indian-health> (accessed August 15, 2024).

the Winnebago Tribe.²⁰⁴ Of the six federally recognized tribes in the state, this finding focuses on the four more commonly understood as primarily residing in state territory. Additionally, 54% of Native Americans nationally live in rural and small-town areas, and these rural communities often have among the highest poverty rates in the nation.²⁰⁵ According to the state of Nebraska, Native American households are among the least likely to have a laptop or desktop and instead rely on mobile devices for their internet connection.²⁰⁶

Panelist D. Jon Cerny, Superintendent of the Bancroft-Rosalie Schools and Board Member of the Nebraska Rural Schools Association, shared that the Omaha Indian Reservation, for example, has struggled with a weak internet infrastructure and students faced significant barriers to online education.²⁰⁷ According to Dr. Cerny, "This hindered their academic progress and increased social and economic disparities. This is why it became so important for rural schools to work to return to learning as soon as possible. Collaboration and innovation were essential in addressing the challenges posed by the pandemic and ensuring the continuity of education."²⁰⁸

Dr. Cerny also shared an example of an innovative effort that intended to address the digital divide in Native communities. The Nebraska Indian Community College, which serves the Omaha and Santee reservations, recognized the need for internet access and applied and were granted \$1.2 million in federal funds through the Tribal Broadband Connectivity Program to bring free educational broadband internet access to students' homes on and near the Omaha and Santee reservations.²⁰⁹ A total of four additional internet access towers will be built using the grant, serving approximately 1,000 households.²¹⁰ Students within a mile radius of a tower will be able to access the internet via a mobile hotspot and for those outside of the coverage area, the grant will

²⁰⁴ Congressional Research Service. "The 574 Federally Recognized Indian Tribes in the United States." R47414. Updated January 18, 2024. <https://crsreports.congress.gov/product/pdf/R/R47414> (accessed August 19, 2024).

²⁰⁵ Dewees, Sarah, Marks, Benjamin. "Twice Invisible: Understanding Rural Native America." First Nations Development Institute. Research Note #2. April 2017. https://www.niwr.org/sites/default/files/files/reports/2017%20Twice%20Invisible%20-%20Research%20Note_0.pdf (accessed August 19, 2024).

²⁰⁶ Byers Testimony, *July 10, 2023, Web Briefing*, supplemental slides, slide 31.

²⁰⁷ Cerny Testimony, Transcript 5, p. 9.

²⁰⁸ Ibid.

²⁰⁹ Cerny Testimony, Transcript 5, p. 9; *See also*: Ayres, Tyler W. "NICC Awarded Grant to Expand Broadband." Tribal College Journal of American Indian Higher Education. November 16, 2022. <https://tribalcollegejournal.org/nicc-awarded-grant-to-expand-broadband/> (August 19, 2024); *See also*: 6 Park News. "Nebraska Indian Community College, Omaha Tribe to Receive Nearly \$5 Million for Internet Access." August 23, 2022. https://6park.news/nebraska/nebraska-indian-community-college-omaha-tribe-to-receive-nearly-5-million-for-internet-access-local-news.html#google_vignette (accessed August 19, 2024); *See also*: National Telecommunications and Information Administration. "Tribal Broadband Connectivity Program." <https://www.ntia.gov/page/tribal-broadband-connectivity-program> (accessed August 19, 2024).

²¹⁰ Ayres, Tyler W. "NICC Awarded Grant to Expand Broadband." Tribal College Journal of American Indian Higher Education. November 16, 2022. <https://tribalcollegejournal.org/nicc-awarded-grant-to-expand-broadband/> (August 19, 2024).

pay for home installation for households up to seven miles away from a tower.²¹¹ The grant is expected to expand internet coverage on the reservations from 30% to 90%, and will continue to be a vital resources for households.²¹²

The Digital Divide and Students from Low-Income Households

Panelist Dr. Adriana Villavicencio, an Assistant Professor in the School of Education at the University of California, Irvine, spoke to the Committee about how students from low-income households and neighborhoods were among those most likely to have been impacted economically by the pandemic as a result of loss of life and lack of access to technology and that their situations were exacerbated in unprecedented ways.²¹³

Based on a 2021 national survey of families raising children on household incomes below the national median conducted by New America and Rutgers University, most respondents were "under-connected," meaning that they report insufficient and unreliable access to the internet.²¹⁴ The following graphic illustrates the various reasons respondents indicated they had challenges accessing the internet:

²¹¹ Ayres, Tyler W. "NICC Awarded Grant to Expand Broadband." Tribal College Journal of American Indian Higher Education. November 16, 2022. <https://tribalcollegejournal.org/nicc-awarded-grant-to-expand-broadband/> (August 19, 2024).

²¹² Ibid.

²¹³ Villavicencio Testimony, Transcript 2, p. 9-10.

²¹⁴ Katz, Vikki, Rideout, Victoria. "Learning at Home While Under-Connected, Lower-Income Families During the Covid-19 Pandemic." New America. Rutgers University. June 2021. https://media.carnegie.org/filer_public/06/2c/062cfb99-41a5-4ce6-8faa-ff576d0a98ed/katz_and_rideout_-_learning_at_home_while_under-connected_gfrh1ao.pdf (accessed August 20, 2024).

Key Finding Chart 2: The Under-Connected

Among those with each service or device, percent who encountered each issue in the past 12 months

■ Below poverty level ■ Above poverty level but below median

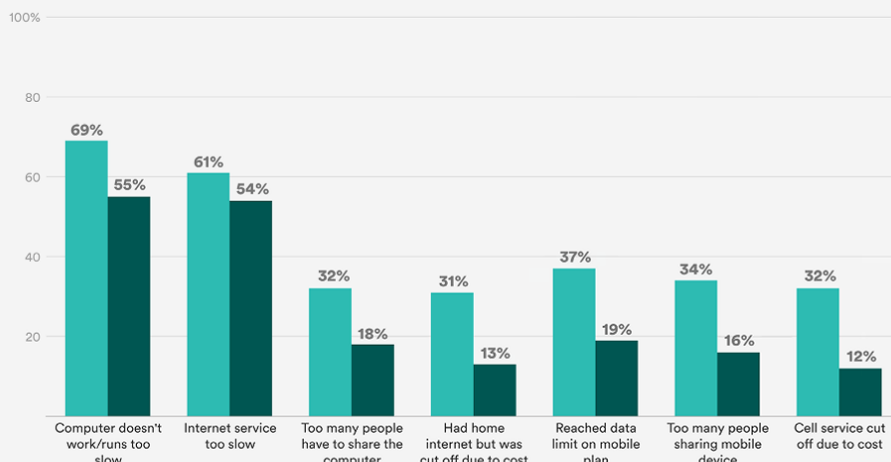


Chart is among parents of three- to 13-year-olds and incomes below the national median (\$75,000).

Source: Katz and Rideout, *Learning at Home While Under-Connected* (Washington, DC: New America, 2021).

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While over half of the parents surveyed indicated that they are likely to help their 10- to 13-year-olds with technology, a similar number of parents, especially those with less education and the lowest incomes, responded that they rely on their children to help them, indicating the added responsibilities for children in such households.²¹⁶

Students from low-income households were also more likely to experience food insecurity, homelessness and the loss of a loved one than other students early on in the pandemic, all challenges that would cause deeper disruptions in their learning.²¹⁷ Furthermore, schools in high-poverty areas were more likely to operate remotely for a longer period of time, which had a

²¹⁵ Katz, Vikki, Rideout, Victoria. "Learning at Home While Under-Connected, Lower-Income Families During the Covid-19 Pandemic." New America. Rutgers University. June 2021.

https://media.carnegie.org/filer_public/06/2c/062cfb99-41a5-4ce6-8faa-ff576d0a98ed/katz_and_rideout_-_learning_at_home_while_under-connected_gfrh1ao.pdf (accessed August 20, 2024).

²¹⁶ Ibid.

²¹⁷ Goldhaber, Dan, Kane, Thomas J., McEachin, Andrew, et al. "The Consequences of Remote and Hybrid Instruction During the Pandemic." Center for Education Policy Research, Harvard University. May 2022. <https://cepr.harvard.edu/sites/g/files/omnuum9881/files/cepr/files/5-4.pdf> (accessed August 20, 2024).

negative effect on students' achievement.²¹⁸ However, schools that were in-person for the 2020-2021 academic year did not experience a significant widening in achievement gaps in math, regardless of school poverty level.²¹⁹ This was a positive outcome for Nebraska, which was among the states that operated remotely the least amount of time and where most schools offered in-person instruction starting in Fall 2020.²²⁰

Rural Specific Aspects of The Digital Divide

As the Superintendent of Bancroft-Rosalie Schools - a rural school district in Northeastern Nebraska that shares land with the Omaha Reservation, – Dr. Cerny spoke about the challenges rural school communities faced in adapting to learning during the pandemic, including accessing adequate Internet and mental health services.²²¹ He explained that school closures and the transition to remote learning were especially challenging for rural students, who lacked reliable Internet service and were not fully able to participate in online learning, resulting in a larger homework gap.²²² The Nebraska Broadband Office has reported that 26.4% of rural households have no devices or only one while 16.8% of urban households do have device access.²²³ Communication between schools and parents was crucial in ensuring that households were able to access needed information and support.²²⁴ Dr. Cerny explained:

“...you can have fairly well-off parents who, because of where their farm is located, they don't have reliable internet. And if you're talking about a family of four children who all need on the internet at the same time, that's a problem. So dealing and contacting parents, talking through, "What kind of accommodations can we provide to you to help your students be able to access their learning?" I think became crucial, and it's still a problem. If there are schools who want to continue to use digital resources, the access issue has been addressed considerably since Covid, but it is not a hundred percent at this point yet.”²²⁵

²¹⁸ Goldhaber, Dan, Kane, Thomas J., McEachin, Andrew, et al. "The Consequences of Remote and Hybrid Instruction During the Pandemic." Center for Education Policy Research, Harvard University. May 2022. <https://cepr.harvard.edu/sites/g/files/omnuum9881/files/cepr/files/5-4.pdf> (accessed August 20, 2024).

²¹⁹ Ibid.

²²⁰ Ibid.

²²¹ Cerny Testimony, Transcript 5, p. 7-10.

²²² Cerny Testimony, Transcript 5, p. 9; See Finding IV for information on an initiative from Nebraska Indian Community College on expanding internet access on the Omaha and Santee Reservations.

²²³ Byers Testimony, Transcript 1, p. 8; See also: Nebraska Broadband Office. "Digital Equity Plan." March 2024. <https://broadband.nebraska.gov/media/ur1aa3kg/nebraska-de-plan-approved.pdf> (accessed July 9, 2025).

²²⁴ Cerny Testimony, Transcript 5, p. 17.

²²⁵ Ibid.

Finding V - The Pandemic Caused Severe Disruptions in Vital School Services such as Workforce Shortages and Transportation

Reasons for the Educator Shortages

The Committee heard testimony indicating that the educator shortage is a national and international issue that is plaguing many schools.²²⁶ Dr. Guy Trainin, a Professor of Education at the University of Nebraska Department of Teaching, Learning, and Teacher Education, stated that educator shortage was present before the pandemic and that it has grown.²²⁷ According to a report from the Economic Policy Institute, there has been a long-standing educator shortage in the United States prior to the pandemic.²²⁸ The pandemic proceeded to exacerbate this shortage.

There are several factors that have affected the shortage, including teachers dealing with their own personal well-being during the pandemic. In a survey conducted by the Nebraska Center for Research on Children, Youth, Families and Schools and the Nebraska Department of Education, both urban and rural Nebraska teachers working during the pandemic struggled significantly with an increase in their own stress and mental health issues, blurred work and home boundaries, and caring for children at home.²²⁹ Two out of three teachers and nine out of ten principals and superintendents reported moderate to extreme work stress.²³⁰ Furthermore, Dr. Cerny commented that many teachers are leaving the profession and retiring at the minimum age they are able to due to the increased daily challenges of the job.²³¹ The behavior issues and indifference the pandemic instilled in many students has weighed on teachers more heavily than before, and, up until the pandemic, teachers had not received adequate support and professional development in order to know the best practices in managing these situations and understand the various factors that can affect their students.²³²

Certain subject areas and demographics have been more impacted than others.²³³ Special education, for example, has experienced the largest educator shortage nationally with a 45%

²²⁶ Trainin Testimony, Transcript 2, p. 18.

²²⁷ Ibid.

²²⁸ Schmitt, John and deCourcy Katherine. "The pandemic has exacerbated a long-standing national shortage of teachers." Economic Policy Institute. December 6, 2022. <https://files.epi.org/uploads/254745.pdf> (accessed July 3, 2024).

²²⁹ Nebraska Center for Research on Children, Youth, Families, and Schools and the Nebraska Department of Education. "COVID-19's Impacts on Nebraska Educators." 2020. <https://cyfs.unl.edu/research-network/research-projects/publications/2020/201211-Effects-of-COVID-19-on-Education-in-Nebraska.pdf> (accessed August 15, 2024).

²³⁰ Ibid.

²³¹ Cerny Testimony, Transcript 5, p. 25.

²³² Cerny Testimony, Transcript 5, p. 25-27.

²³³ Schmitt, John and deCourcy Katherine. "The pandemic has exacerbated a long-standing national shortage of teachers." Economic Policy Institute. December 6, 2022. <https://files.epi.org/uploads/254745.pdf> (accessed July 3, 2024).

vacancy rate.²³⁴ High school students of color and students who come from low-income backgrounds are the populations most often exposed to educator shortages.²³⁵ Dr. Brenda Bassingthwaite, an Associate Professor of Psychology at the University of Nebraska Munroe-Meyer Institute, testified that one of the main challenges students have faced in returning to school in a post-Covid environment in Nebraska is the shortage of educators.²³⁶ The U.S. Department of Education forecasted that for the 2024-2025 academic year, there would be a shortage of educators in subject areas such as career and technical education, early childhood education, English as a second language, math, science, and special education.²³⁷ Dr. Trainin spoke about how there has been a decrease in technical education due to the educator shortage, which may lead to fewer career opportunities after graduation in a field that tends to provide high-paying jobs that can lead to social and economic mobility.²³⁸ The overall shortage is expected to be so extreme that the U.S. Department of Education is proposing loan forgiveness programs for these specific subject areas.²³⁹ The educator shortage impacts not only teachers but other staffing as well such as paraeducators and substitute teachers, who are crucial to student success.²⁴⁰

Panelist Dr. Trainin highlighted that another main reason for the educator shortage in Nebraska is the low pay in the field of education.²⁴¹ According to Dr. Trainin, in previous academic years, the state has ranked 47th out of 50 in how they pay their teachers at the beginning of their careers.²⁴² Furthermore, a report from the National Education Association that collected data on teacher salaries from 12,000 school districts across the country during the 2021-2022 school year, found that an average starting salary for a teacher in the United States is \$42,844.²⁴³ The report collected

²³⁴ Schmitt, John and deCourcy Katherine. "The pandemic has exacerbated a long-standing national shortage of teachers." Economic Policy Institute. December 6, 2022. <https://files.epi.org/uploads/254745.pdf> (accessed July 3, 2024).

²³⁵ Ibid.

²³⁶ Bassingthwaite Testimony, Transcript 3, pg. 4.

²³⁷ Nebraska Department of Education. "Teacher Shortage Survey." <https://www.education.ne.gov/educatorprep/teacher-shortage-survey/> (accessed July 9, 2024).

²³⁸ Trainin Testimony, Transcript 2, p. 19.

²³⁹ Nebraska Department of Education, "Teacher Shortage Survey."

<https://www.education.ne.gov/educatorprep/teacher-shortage-survey/>

²⁴⁰ Trainin Testimony, Transcript 2, p. 7; *See also*: Hogan Testimony, Transcript 3, p. 11; *See also*: Brookings Institute, "How are Staffing Shortages Affecting Schools during the Pandemic." <https://www.brookings.edu/articles/how-are-staffing-shortages-affecting-schools-during-the-pandemic/> (accessed July 17, 2024).

²⁴¹ Trainin Testimony, Transcript 2, p. 18

²⁴² Trainin Testimony, Transcript 2, p. 18; *See also* National Education Association 2021-2022 Teacher Salary Benchmark Report, <https://www.nea.org/sites/default/files/2023-05/2021-2022-teacher-salary-benchmark-report-final-5.4.23.pdf> (accessed June 27th, 2024).

²⁴³ National Education Association, "2021-2022 Teacher Salary Benchmark Report." <https://www.nea.org/sites/default/files/2023-05/2021-2022-teacher-salary-benchmark-report-final-5.4.23.pdf> (accessed June 27th, 2024).

data from over 200 school districts in the state of Nebraska and found that the starting salary for a teacher in the 2021-2022 school year was \$37,187.²⁴⁴

How the Educator Shortage Impacts Students

The Committee heard testimony on how the educator shortage in Nebraska has had a detrimental impact on students, particularly impacting critical programming and services that are essential to the development of students' academic and socio-emotional skills.²⁴⁵ Dr. Bassingthwaite stated:

“For students to be mentally healthy in schools, they need to feel the support of the adults in the system, need to be learning academically and developing skills that are protective factors against the mental health crises. Things like problem solving strategies, ways of communicating about feelings and experiences and learning ways of regulating their emotions, these things are all made more difficult because of the teacher shortage and makes them more challenging to meet.”²⁴⁶

Commented [JE1]: This is the direct quote that was echoed above (see my first comment)

Panelist Saul-Merdassi stated that the educator shortage has affected how quickly children's learning needs are met at school, due to some students experiencing hybrid learning models and insufficient staff available to address Individual Education Plans (IEPs).²⁴⁷ According to Saul-Merdassi, this delay in services harms children because they are the ones who are supposed to be learning, gaining new skills, and learning new material, but the educator shortage has complicated this.²⁴⁸

Potential Solutions to the Educator Shortage

The Committee heard certain solutions meant to address the shortage in the state, including increasing wages, not adding to the workload of current educators, and bringing more educators into the profession.²⁴⁹

According to Dr. Trainin, one of the main ways to address the educator shortage is by offering financial incentives, such as bonuses and higher starting salaries, especially for teachers who are just beginning their careers.²⁵⁰ The state has been working to address this, although there is room

²⁴⁴ National Education Association, “2021-2022 Teacher Salary Benchmark Report.” <https://www.nea.org/sites/default/files/2023-05/2021-2022-teacher-salary-benchmark-report-final-5.4.23.pdf> (accessed June 27th, 2024).

²⁴⁵ Bassingthwaite Testimony, Transcript 3, p. 4.

²⁴⁶ Ibid.

²⁴⁷ Saul-Merdassi Testimony, Transcript 3, p. 7; *See also*: Bassingthwaite Testimony, Transcript 3, p. 4.

²⁴⁸ Saul-Merdassi Testimony, Transcript 3, p. 7.

²⁴⁹ Trainin Testimony, Transcript 2, p. 14, 18; *See also*: Schmitt, Johh and deCourcy Katherine. “The pandemic has exacerbated a long-standing national shortage of teachers.” Economic Policy Institute. December 6, 2022. <https://files.epi.org/uploads/254745.pdf> (accessed July 3, 2024).

²⁵⁰ Trainin Testimony, Transcript 2, p. 18.

for improvement.²⁵¹ Dr. Trainin noted "Increasing pay is going to be the biggest driving factor for bringing more people into the profession. This is especially important when there are other professions that are willing to pay more".²⁵²

Another proposed solution to the educator shortage in Nebraska is to not increase the workload of the teachers who are currently in the field, as it is important to maintain the teachers who are already in the schools.²⁵³ To illustrate this further, Dr. Trainin shared "Teachers who have their planning period are being asked to use that time to take over for a substitute. This creates a situation where the teacher is unable to do their work during their planning period and must do it at home. This creates an environment where work seemingly never ends."²⁵⁴

Dr. Trainin also suggested that it is critical to add more teachers to the workforce as a remedy to the educator shortage in Nebraska.²⁵⁵ Nebraska has addressed this through the passage of Nebraska Revised Statute 79-816 on June 1, 2023.²⁵⁶ This legislation establishes apprenticeship programs that is intended to "help recruit and increase the number of teachers throughout the state" and offers a certificate or permit issued by the Commissioner of Education upon successful completion.²⁵⁷

Furthermore, creating alternative or accelerated programs for individuals who are transitioning careers can be another option.²⁵⁸ Dr. Lindsley also suggested that the state explore ways to be more flexible in the teacher certification process to expand the pool of qualified candidates.²⁵⁹ She provided the example of a state law known as the *Interstate Teacher Mobility Compact* that removes obstacles for military spouses who are teachers to obtain licensure across state lines, and suggested that such opportunities be expanded to a broader range of individuals as a way of addressing the educator shortage.²⁶⁰

Additionally, teachers are not provided the adequate training to serve and meet the needs of an increasingly racially and ethnically diverse student population²⁶¹ The percentage of school-age children from Hispanic, Asian, and mixed-race backgrounds increased nationally from 2000-

²⁵¹ Trainin Testimony, Transcript 2, p. 18.

²⁵² Trainin Testimony, Transcript 2, p. 18; *See also*: Schmitt, Johh and deCourcy Katherine. "The pandemic has exacerbated a long-standing national shortage of teachers." Economic Policy Institute. December 6, 2022. <https://files.epi.org/uploads/254745.pdf> (accessed July 3, 2024).

²⁵³ Trainin Testimony, Transcript 2, p. 14.

²⁵⁴ *Ibid*.

²⁵⁵ *Ibid*.

²⁵⁶ Neb. Rev. Stat. §79-816; *See also*: Nebraska Department of Education. "Nebraska Department of Education Launches Innovative Apprenticeship Program." March 27, 2024.

https://www.education.ne.gov/press_release/nebraska-department-of-education-launches-innovative-teacher-apprenticeship-program/ (accessed July 12, 2024).

²⁵⁷ Nebraska Code Chapter 79. Schools §79-816(1).

²⁵⁸ Trainin Testimony, Transcript 2, p. 18; Lindsley Testimony, Transcript 2, p. 18.

²⁵⁹ Lindsley Testimony, Transcript 2, p. 17.

²⁶⁰ Neb. Rev. Stat. §79-1505; *See also*: Lindsley Testimony, Transcript 2, p. 17.

²⁶¹ Villavicencio Testimony, *July 13, 2023, Web Briefing*, supplemental slides, slide 27.

2017.²⁶² Aside from recruitment, ongoing training on maintaining updated subject-matter knowledge as well as support in developing culturally relevant classrooms would be a needed improvement.²⁶³ According to Dr. Villavicencio, students are more likely to graduate when the teacher workforce reflects their race, indicating that recruiting a diverse teacher workforce is also important.²⁶⁴

Barriers to Transportation Faced by Students and Families

The Covid-19 pandemic caused severe disruptions in vital school services for students. Dr. Lina Traslaviña Stover, testified that during the pandemic, many communities struggled with accessing transportation, and this was a major point of stress for many families.²⁶⁵

During the Covid-19 pandemic, many school bus routes were reduced.²⁶⁶ According to Panelist Saul-Merdassi, families coming from marginalized communities were struggling to get to school due to a decrease in the number of buses and the closure of bus routes.²⁶⁷ Disruptions in school transportation became a national issue, in part, due to a shortage of bus drivers.²⁶⁸ According to a nationwide survey released in 2021, this was the result of a combination of factors, including bus drivers being furloughed at the start of the pandemic, and the fact that many departments of motor vehicles had closed or limited their operations, making it harder for would-be bus drivers to obtain their commercial driver's licenses which are required for this work.²⁶⁹ In Nebraska, the bus driver shortage led the Omaha Public Schools district to make changes to bus routes based on the distance between a student's home and their school.²⁷⁰

²⁶² National Center for Education Statistics. "Status and Trends in the Education of Racial and Ethnic Groups, Indicator 1: Population Distribution." Updated February 2019.

https://nces.ed.gov/programs/raceindicators/indicator_RAA.asp (accessed October 4, 2024).

²⁶³ Villavicencio Testimony, July 13, 2023, *Web Briefing*, supplemental slides, slide 27.

²⁶⁴ Villavicencio Testimony, Transcript 2, p. 10.

²⁶⁵ Traslaviña Stover Testimony, Transcript 4, p. 8.

²⁶⁶ Saul-Merdassi Testimony, Transcript 3, p.19.

²⁶⁷ Ibid.

²⁶⁸ Kamenetz, Anya. "National Survey Finds Severe and Desperate School Bus Driver Shortage." National Public Radio. September 1, 2021. <https://www.npr.org/sections/back-to-school-live-updates/2021/09/01/1032953269/national-survey-finds-severe-and-desperate-school-bus-driver-shortage> (accessed July 19, 2024);

²⁶⁹ Kamenetz, Anya. "National Survey Finds Severe and Desperate School Bus Driver Shortage." National Public Radio. September 1, 2021. <https://www.npr.org/sections/back-to-school-live-updates/2021/09/01/1032953269/national-survey-finds-severe-and-desperate-school-bus-driver-shortage> (accessed July 19, 2024); See also: National Association for Pupil Transportation, National Association of State Directors of Pupil Transportation Services. "Findings of School Bus Driver Shortage Survey." <https://s3-us-west-2.amazonaws.com/nsta/70966/2021-08-31-PR-3N-Driver-Shortage-Survey-2021-08-27-FINAL.pdf> (accessed July 19, 2024).

²⁷⁰ 6 News WOWT. "Omaha Public Schools approves changes to student bus ride policy; thousands to be impacted." December 12, 2022. <https://www.wowt.com/2022/12/12/omaha-public-schools-review-changes-student-bus-ride-policy/> (accessed July 19, 2024).

Dr. Traslaviña Stover testified that transportation can be a major point of stress for families, as public transportation, for example, can be very unreliable statewide.²⁷¹ In 2020, Nebraska Public Media reported on transportation in rural and tribal communities and found that residents of these communities have more difficulties in physically accessing transportation²⁷². While 82 out of 93 counties have some form of public transportation, Nebraska Department of Transportation Transit Manager Kari Ruse stated that it can be a struggle getting to a bus stop.²⁷³

For undocumented immigrants, another barrier is the inability to acquire a drivers' license.²⁷⁴ To get a driver's license in Nebraska, you either must be a United States citizen or have lawful status, in addition to proof of a Nebraska address and a valid Social Security card.²⁷⁵ Without this, parents must find other alternatives in order to perform crucial functions such as getting their children to school.²⁷⁶ Additionally, many refugees face challenges in access to transportation and become trapped in a cycle of not being able to maintain full-time jobs due to their lack of access to transportation, either through public or personal means.²⁷⁷

Transportation to Mental Health Appointments

The Committee heard that lack of transportation, especially during the pandemic, was another negative factor for students who needed a reliable way to make their mental health care appointments. Mental health issues increased significantly among the school-age population with the onset of the pandemic.²⁷⁸ Panelist Hogan stated that transportation and accessing mental health care appointments is a barrier for patients, especially those coming from low-income backgrounds. This is difficult because many families in households that are low-income struggle with having access to reliable transportation in addition to needing to take time off work to attend mental health sessions regularly.²⁷⁹ Panelist Hogan mentioned that one way to addressing this is to ensure that mental staff are embedded in schools rather than being offsite, to give students direct access to these needed services.²⁸⁰

²⁷¹ Traslaviña Stover Testimony, Transcript 4, p. 8.

²⁷² Costello, Rebecca. "Rural Public Transit? Nebraska's System Is Growing but Many Don't Know It Exists." Nebraska Public Radio. February 13, 2020. <https://nebraskapublicmedia.org/en/news/news-articles/rural-public-transit-nebraskas-system-is-growing-but-many-dont-know-it-exists/> (accessed July 12, 2024).

²⁷³ Ibid.

²⁷⁴ Traslaviña Stover Testimony, Transcript 4, p. 19

²⁷⁵ Nebraska Department of Motor Vehicles. "Drivers License (Class O)." <https://dmv.nebraska.gov/dl/driver-license> (accessed July 12, 2024).

²⁷⁶ Traslaviña Stover Testimony, Transcript 4, p. 19.

²⁷⁷ Traslaviña Stover Testimony, Transcript 4, p. 8.

²⁷⁸ See Findings # I and II.

²⁷⁹ Hogan Testimony, Transcript 3, p. 19.

²⁸⁰ Ibid.

Finding VI – Special Education Students Faced Unique Challenges Due to the Covid-19 Pandemic, Including an Educator Shortage

The Committee heard about the challenges faced by students with disabilities with the onset of the pandemic. During the testimony, some panelists discussed the challenges faced by students with disabilities during the pandemic and emphasized the urgency of prioritizing the needs of vulnerable student populations. The Nebraska Department of Education reported that 16.77% of the student population were students with disabilities, up from 15.74% in the 2019-2020 school year which is a 6% increase.²⁸¹ The Department also reported that nearly 40,000 public school students who were in regular class for 80% or more of the day received special education services for the 2023-2024 academic year (the most recent year for which data is available).²⁸² This is a nearly 9% increase from the 2019-2020 school year.²⁸³ The majority of special education needs among school-age children, as identified by the state, include specific learning disabilities, speech language impairments, and other health impairments.²⁸⁴ Public schools are required to comply with the *Individuals with Disabilities Education Act*, a federal law intended to provide free and appropriate education and improve educational results for children with disabilities.²⁸⁵

According to Dr. Guy Trainin, students with disabilities likely experienced the most disruptions in learning and have faced the hardest time in getting back on track.²⁸⁶ As this finding will detail, students with disabilities in Nebraska were especially impacted by the educator shortage, the transition to remote learning, and the lack of an educational infrastructure that met their needs. Panelists noted that the long-term impact on these students may be dire without improvements to the special education workforce with the skillsets to meet these students' needs.²⁸⁷

Hardship on Students with Disabilities and Their Families

Families of students with disabilities experienced significant hardship during the pandemic. When students switched to remote learning and parents had to work, families experienced tremendous

²⁸¹ Nebraska Department of Education. "Nebraska Public School State Snapshot: Students with Disabilities." 2019-2020 and 2023-2024. <https://nep.education.ne.gov/#/profiles/state/full-profile/special-education/part-b-school-age?dataYears=20232024> (accessed August 14, 2025).

²⁸² Nebraska Department of Education. "Nebraska Public School State Snapshot: SPED Part B School Age." 2023-2024. <https://nep.education.ne.gov/#/profiles/state/full-profile/special-education/part-b-school-age?dataYears=20232024> (accessed July 16, 2025).

²⁸³ Nebraska Department of Education. "Nebraska Public School State Snapshot: SPED Part B School Age." 2023-2024. <https://nep.education.ne.gov/#/profiles/state/full-profile/special-education/part-b-school-age?dataYears=20232024> (accessed July 16, 2025).

²⁸⁴ Nebraska Department of Education. "Nebraska Public School State Snapshot: SPED Part B School Age." 2023-2024. <https://nep.education.ne.gov/#/profiles/state/full-profile/special-education/part-b-school-age?dataYears=20232024> (accessed July 16, 2025).

²⁸⁵ Individuals With Disabilities Education Act, 20 U.S.C. § 1400 (2004).

²⁸⁶ Trainin Testimony, Transcript 2, p. 6-7.

²⁸⁷ Bassingthwaite Testimony, Transcript 3, p. 6.

stress that caused students to regress in their learning.²⁸⁸ Special education teachers have highlighted this when describing their return-to-school experience.²⁸⁹ According to Dr. Trainin, “...they were really making progress with kids and suddenly everything stopped.”²⁹⁰ Furthermore, according to panelist Eynon-Kokrda, General Counsel at the Education Rights Counsel, families of students with disabilities tend to have fewer resources than other families. She shared that the stress of having high needs children can lead to divorce and other struggles, and oftentimes these households tend to have one breadwinner instead of two.²⁹¹

One common challenge these families often face is not having the knowledge and background to understand school processes and requirements related to special education.²⁹² According to Eynon-Kokrda, even educated parents struggle to understand Individualized Education Plans (IEPs) as well as what their child’s rights are.²⁹³ She believes that it is important to provide more tools to families to know how to navigate these systems in a way that is easy to understand and that addresses their legal rights and responsibilities. These resources should ideally be in accessible formats in terms of language and availability for deaf and hard of hearing individuals.²⁹⁴

Challenges with Remote Learning for Students with Disabilities

Special education students required additional support with the transition to remote learning during the pandemic. Panelist Benson spoke to the Committee about how the National Education Association provided digital resources and assistance to educators serving this student population such as guidance on the rights of students with disabilities.²⁹⁵ Unlike most other students, they were less likely to be able to complete online assignments and needed to have the ability to learn how to do what was expected.²⁹⁶ According to Dr. Trainin, these “were the students least likely to benefit from online instruction for a variety of reasons, including fine motor control and other difficulties in behavior or in capacity.”²⁹⁷ Furthermore, some children were not able to access remote learning at all and there were school districts that were not prepared to provide these

²⁸⁸ Trainin Testimony, Transcript 2, p. 6.

²⁸⁹ Ibid.

²⁹⁰ Ibid.

²⁹¹ Eynon-Kokrda Testimony, Transcript 5, p. 5; *Note*: There are various factors that may affect divorce rates in households with special needs children and the divorce rates can vary significantly depending on the disability and stage of life of the child. See <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4624231/> for more information.

²⁹² Eynon-Kokrda Testimony, Transcript 5, p. 16-17.

²⁹³ Eynon-Kokrda Testimony, Transcript 5, p. 16-17; For more information on Individual Education Plans, please see: <https://sites.ed.gov/idea/statute-chapter-33/subchapter-ii/1414>.

²⁹⁴ Eynon-Kokrda Testimony, Transcript 5, p. 16-17.

²⁹⁵ Benson Testimony, Transcript 4, p. 12; For examples of information shared by the National Education Association, please see https://www.nsea.org/sites/default/files/content_images/COVID19/COVID-19%20EPP-Digital%20Learning%20and%20Equity.pdf and <https://www.nea.org/advocating-for-change/new-from-nea/equity-digital-instruction-special-education>.

²⁹⁶ Benson Testimony, Transcript 4, p. 12.

²⁹⁷ Trainin Testimony, Transcript 2, p. 6-7.

services to children with special education needs.²⁹⁸ Panelist Eynon-Kokrda shared the following with the Committee:

“How does a deaf child access E-learning unless you've got an interpreter also available? How does a child with cerebral palsy access alternative PE? We had misinformation, we had a lot of children lost in the gap. I'm going to give you just one example. I had a child...with cerebral palsy, wheelchair bound, very limited movement, and what she was given in terms of being able to engage in her PE online was she was given directions of how to do burpees at home. It's not the school district per se, it's that there were enormous gaps in understanding of the children that they were working with, and how to deal with the very highest needs children.”²⁹⁹

This was one reason why it was important for these students to return to the school setting as soon as possible. Dr. Holman spoke about how this was a priority for Omaha Public Schools and that they were able to have teachers go to the homes of students who could not attend school due to various health reasons.³⁰⁰ She also explained that the district has a school that is specifically dedicated to students that have severe disabilities and cognitive abilities, and this school was able to reopen with students going back five days a week, as opposed to the “three-two” model of other schools.³⁰¹ The “three-two” model refers to a hybrid learning model the district employed during the third phase of their return-to-school plan in which students, divided by the alphabetical order of their last names, would attend school in-person three days a week and learn remotely for two days a week.³⁰² This was the result of surveys conducted with families and staff and was believed to be a strategy that would enhance social distancing while layering health and safety precautions.³⁰³

Special Educator Shortage

The educator shortage that has been experienced in schools across the country since the start of the pandemic was felt acutely in Nebraska special education classrooms. In Nebraska, special education faced the brunt of the overall educator shortage with over 200 unfilled positions during the 2023-2024 school year.³⁰⁴ According to Dr. Bassingthwaite, there were administrators that had

²⁹⁸ Eynon-Kokrda Testimony, Transcript 5, p. 4-5.

²⁹⁹ Eynon-Kokrda Testimony, Transcript 5, p. 5.

³⁰⁰ Holman Testimony, Transcript 4, p. 26.

³⁰¹ Ibid.

³⁰² Holman Testimony, Transcript 4, p. 5; Holman Testimony, *March 6, 2024, Web Briefing*, supplemental slides, slide 13.

³⁰³ Holman Testimony, Transcript 4, p. 5.

³⁰⁴ Peal, Jolie. “Nebraska schools see worsening teacher shortage in most recent NDE survey results.” Nebraska Public Media. December 29, 2023. <https://nebraskapublicmedia.org/en/news/news-articles/nebraska-schools-see-worsening-teacher-shortage-in-most-recent-nde-survey-results/#:~:text=According%20to%20the%20survey,%20special%20education%20has%20been%20a%20shortage> (accessed October 4, 2024).

to close special education classrooms because of the lack of teachers and para-educators and students were transported to other buildings within the district that had the needed special education support, resulting in hardship for the student depending on their age and connectedness to the school community, among other factors.³⁰⁵

Meanwhile, special education classrooms that remained open despite staff vacancies faced their own set of challenges. Dr. Bassingthwaite shared that there were “not enough adults to help with instruction, skill-building and behavior management supports outlined within a student's individualized education plan. So when the classroom isn't fully staffed, it's challenging to schedule the instructional times so students are missing needed instruction to make their educational progress.”³⁰⁶ In some instances, schools would have general education teachers and other school professionals manage the special education classroom, which also affected their own instruction time and responsibilities.³⁰⁷ Although the compounding impacts of this situation are still unknown, students have been missing key instruction in various areas, including socio-emotional learning.³⁰⁸ Dr. Bassingthwaite stated, “when we do not meet the needs of students early, the needs often grow and become more challenging to address.”³⁰⁹

Panelists also spoke about how understaffed classrooms led to students externalizing unsafe behaviors as a way to gain adult attention or access to meaningful activities.³¹⁰ These behaviors, which may be effective in getting an adult response, include destroying items, climbing on furniture, and self-harm.³¹¹ According to Dr. Bassingthwaite, over “the past few years, we have faced more resistance from educators in developing plans because of the shortages.”³¹² Panelists also commented that young children in particular were more likely to exhibit harmful behavior and that one of the approaches some schools use to address this is through restraint and seclusion.³¹³ Panelist Eynon-Kokrda believes schools may resort to this due to lack of other options, training, and having more robust behavior intervention plans.³¹⁴ She shared that the state of Nebraska does not have official guidance or policies on how to appropriately respond to these situations, which results in greatly varying forms of implementation across schools.³¹⁵

Panelists mentioned that more access to socio-emotional learning is needed to address the “invisible disabilities” some students may have, which result in dysregulated behaviors in the classroom. (*Invisible disabilities* are defined by the Invisible Disabilities Association as “a physical, mental, or neurological condition that is not visible from the outside yet can limit or

³⁰⁵ Bassingthwaite Testimony, Transcript 3, p. 4.

³⁰⁶ Bassingthwaite Testimony, Transcript 3, p. 4-5.

³⁰⁷ Bassingthwaite Testimony, Transcript 3, p. 5.

³⁰⁸ Ibid.

³⁰⁹ Ibid.

³¹⁰ Bassingthwaite Testimony, Transcript 3, p. 5; See also: Eynon-Kokrda Testimony, Transcript 5, p. 6.

³¹¹ Bassingthwaite Testimony, Transcript 3, p. 5.

³¹² Ibid.

³¹³ Eynon-Kokrda Testimony, Transcript 5, p. 27-28.

³¹⁴ Ibid.

³¹⁵ Eynon-Kokrda Testimony, Transcript 5, p. 27-28.

challenge a person's movements, senses, or activities." The Association adds: "Unfortunately, the very fact that these symptoms are invisible can lead to misunderstandings, false perceptions, and judgments.")³¹⁶ Eynon-Kokrda stated that the behaviors "are dysregulated, but they're not seen as a manifestation of the disability because we might not have even caught the disability, or we may be misunderstanding that disability."³¹⁷

Panelist Benson explained that, at the time of the briefing, there was a major challenge with recruiting special education teachers and assistants and that legislation had been introduced in the state legislature to try to improve hiring in this area as well as support services for children with disabilities or special needs.³¹⁸ In 2023, the state legislature passed the Nebraska Teacher Recruitment and Retention Act, which provides financial incentives for teacher recruitment.³¹⁹ The Omaha Public Schools District, which has one of the largest special needs student populations in the state, was impacted by the special educator shortage to the extent that three of their schools were left entirely without a special education instructor for the 2023-2024 school year.³²⁰

Learning Loss

Panelist Eynon-Kokrda spoke about how many students who stopped going to school during the pandemic did not return.³²¹ Her organization represents some students who have missed over two years of school. One reason why they did not return is that their own disability has become a barrier. Now that they are ingrained in their current situation, it is much more difficult to make a change.³²² In many of these situations, Eynon-Kokrda believes that the learning loss will be permanent. Even if there is progress made, it will be difficult to make up the services they should have received and close the learning gap.³²³

Eynon-Kokrda also talked about the reality that there are truant students who have undiagnosed disabilities and shared a story about a student who was missing school and whose parents were unaware of his condition, in part, due to language barriers.³²⁴ In attempts to avoid situations like this, the state legislature passed a law in 2024 that requires at least one meeting between the school and the parent or guardian of children with attendance issues in order to develop a plan to improve attendance, including the option of conducting "an educational evaluation to determine whether

³¹⁶ Invisible Disabilities Association. "What is an Invisible Disability?" <https://invisibledisabilities.org/what-is-an-invisible-disability/> (accessed December 6, 2024).

³¹⁷ Eynon-Kokrda Testimony, Transcript 5, p. 21.

³¹⁸ Benson Testimony, Transcript 4, p. 27.

³¹⁹ Neb. Rev. Stat. §79-8,111 - 79-8,118.

³²⁰ Eynon-Kokrda Testimony, Transcript 5, p. 7; *See also*: Wendling, Zach. "Nebraska Lawmakers Dissect Omaha Schools' Special Ed Teacher Vacancies." The 74. September 13, 2023. <https://www.the74million.org/article/our-kids-are-in-their-hands-leg-dissects-omaha-schools-special-ed-vacancies/> (accessed July 16, 2025).

³²¹ Eynon-Kokrda Testimony, Transcript 5, p. 6.

³²² *Ibid*.

³²³ Eynon-Kokrda Testimony, Transcript 5, p. 7.

³²⁴ Eynon-Kokrda Testimony, Transcript 5, p. 19.

any intellectual, academic, physical, or social-emotional barriers are contributing factors to the lack of attendance.”³²⁵

Lack of Supportive School Infrastructure

The Committee heard that schools take on the brunt of mental health services for children with the most challenges but lack the needed infrastructure.³²⁶ There may be schools, however, that even if they have sufficient funding, they do not have the needed skillset to support students and this is how they end up in the court system or are sent to a school out of state and their disability becomes criminalized, which is why a more robust mental health support system outside the school is just as important.³²⁷

It is important to note that many children did not have what would be considered a disability pre-pandemic but may have developed conditions such as anxiety or depression throughout the course of the pandemic.³²⁸ In Nebraska, schools are required to identify and evaluate all children in need of special education services per the requirement imposed on states by Child Find, a provision of the *Individuals with Disabilities Education Act*.³²⁹ This factor added to the overwhelming context schools have faced in supporting students since the start of the pandemic.

Efforts to Address These Challenges

Despite these various challenges, panelists shared about recent legislative and funding efforts that are intended to strengthen mental health resources for schools. Dr. Rida stated that the Nebraska Department of Education is in the process of implementing a couple of recently approved laws at the state level. One of the laws requires school districts across the state to designate at least one appropriate staff member as behavioral awareness point of contact who will receive training and share information on community mental health resources with students and families in the district.³³⁰ School districts are also required to keep a registry of these resources that can be accessed by families, and which the point of contact can provide support in navigating, as needed.³³¹ The other law being implemented by the Department is focused on behavioral awareness training for teachers, administrators, paraprofessionals, nurses, and counselors.³³² The ESU Coordinating Council would ensure this training is available statewide and would administer a statewide teacher support system.³³³ This training would include information on how teachers

³²⁵ Neb. Rev. Stat. §79-209(b); *See also*: Eynon-Kokrda Testimony, Transcript 5, p. 19.

³²⁶ Eynon-Kokrda Testimony, Transcript 5, p. 24.

³²⁷ *Ibid*.

³²⁸ Eynon-Kokrda Testimony, Transcript 5, p. 16-17.

³²⁹ 34 C.F.R. § 300.111; *See also*: Eynon-Kokrda Testimony, Transcript 5, p. 16-17.

³³⁰ Neb. Rev. Stat. §79-3603 (1); *See also*: Rida Testimony, Transcript 5, p. 28.

³³¹ Neb. Rev. Stat. §79-3603 (2); *See also*: Rida Testimony, Transcript 5, p. 28.

³³² Neb. Rev. Stat. §79-3602 (1)(a) and §79-3602 (b); *See also*: Rida Testimony, Transcript 5, p. 28.

³³³ Neb. Rev. Stat. §79-3602 (1)(a); *See also*: Rida Testimony, Transcript 5, p. 28.

and other school staff can recognize factors affecting student behavior as well as de-escalation techniques, among other focus areas.³³⁴

When it comes to funding, panelists shared that, after many years of not being a priority, funding for special education in Nebraska has recently increased to reflect the costs that are needed to provide these services and meet students' needs.³³⁵ In 2023, the state legislature approved the Education Future Fund, which allocated \$1 billion of state general funds during the 2023-2024 biennium and set aside \$250 million each year afterward for the purposes including paying the state's portion of special education and allocating grants aimed at retaining licensed teachers in the state.³³⁶ Panelist Jennifer Pollock, Government and Professional Relations Committee Liaison for the Nebraska School Psychologist Association stated "finally, we've gotten to a place where [funding] has increased to reflect more accurately the costs that go into providing special education that meets the high level of expectation and standards that we have for all kids with specially designed instructions and meeting their unique needs in an appropriate way."³³⁷ The current challenge is knowing how to best direct these resources to ensure they go towards special education while not place too much state government interference on district decisions.³³⁸

Finding VII - As a Result of the Pandemic, Families Faced Increased Responsibilities and Challenges in Remote Learning

Household Challenges with Digital Literacy and Access

The Committee heard testimony on how oftentimes, the challenges students faced in adapting to remote learning became a household matter due to a combination of factors including, internet access, familiarity with technology, and capacity to support the student. There were many instances in which parents and caregivers could not supervise their children's remote learning during the day because they had to work and older siblings, if present, had to take on this responsibility.³³⁹

Panelists commented on the difficulties that families encountered in understanding the basics of remote learning. As schools transitioned to remote learning and the posting of all assignments online, parents and caregivers lost their direct connection with the school and had to find how to

³³⁴ Neb. Rev. Stat. §79-3602 (c)(i) and §79-3602 (c)(iii); *See also*: Rida Testimony, Transcript 5, p. 28.

³³⁵ Pollock Testimony, Transcript 3, p. 23.

³³⁶ Nebraska Code Chapter 79. Schools §79-1021(b) and §79-1021(e); *See also*: Office of Governor Jim Pillen.

"Governor Announces Education Finance Bills." January 17, 2023. <https://governor.nebraska.gov/press/governor-announces-education-finance-bills#:~:text=The%20increase%20amounts%20to%20nearly%20%24113%20million%20in.%24250%20million%20in%20annual%20support%20for%20special%20education>. (accessed October 4, 2024).

³³⁷ Pollock Testimony, Transcript 3, p. 23.

³³⁸ Eynon-Kokrda Testimony, Transcript 5, p. 20.

³³⁹ Traslaviña Stover Testimony, Transcript 4, p. 7; *See also*: Edison-Soe Testimony, Transcript 4, p. 10.

ensure access to needed information for the students in their home.³⁴⁰ Panelist Lanetta Edison-Soe spoke to the Committee about how many parents and caregivers faced barriers in being able to help their children with online school assignments due to a lack of familiarity with academic text and technology.³⁴¹ Many of the parents and caregivers her organization serves do not know how to use a computer or laptop, leading to stress and burnout among family members.³⁴² Similarly, Dr. Villavicencio shared with the Committee that, due to a lack of familiarity with technology, many families struggled with navigating resources and information. She stated:

“...particularly for parents that we've reached out to and worked with here in our local communities, even though they have devices and access to the internet, do not know how to navigate some of those resources, particularly for younger children. So it can create more issues unless there's training, unless there's outreach to parents and families, particularly in languages that serve the communities you're in.”³⁴³

Another challenge that was raised by Dr. Trainin was the reality that many households may have experienced overcrowding during the pandemic, with all family members working or learning from home, and the strain that this placed on their own attention span, even if everyone has their own device.³⁴⁴ Such a scenario speaks to the importance of having a dedicated space and individualized support for student learning, since, for example, parents and caregivers may not have had the capacity to troubleshoot every technological issue that arose or provide a separate space for each child to do their work.³⁴⁵ Among the most affected were families from smaller school districts without internet who had to find other ways to access remote learning. Panelist Eynon-Kokrda spoke about how some families had to drive to Wal-Mart parking lots so their children could attend school virtually.³⁴⁶

Difficulties with Maintaining Focus on Online Tasks

The social and physical disconnection that came with remote learning caused an increase in disengagement among students. Even if a teacher was passionate about their job, but lacked training in remote instruction, children would “shut off.”³⁴⁷ For students who were home alone and lacked supervision and support, this meant missing out on learning entirely.³⁴⁸ Students also dealt with an emotional component of this situation, resulting from being separated from the school

³⁴⁰ Cerny Testimony, Transcript 5, p. 17.

³⁴¹ Edison-Soe Testimony, Transcript 4, p. 10.

³⁴² Ibid.

³⁴³ Villavicencio Testimony, Transcript 2, p. 12.

³⁴⁴ Trainin Testimony, Transcript 2, p. 11-12.

³⁴⁵ Ibid.

³⁴⁶ Eynon-Kokrda Testimony, Transcript 5, p. 5.

³⁴⁷ Eynon-Kokrda Testimony, Transcript 5, p. 5.

³⁴⁸ Ibid.

setting they were familiar with in addition to the grief and uncertainty that they and their family may have been going through. Panelist Saul-Merdassi explained:

“Often the kids would express their boredom and how they missed their teachers and in addition to this, there were the families who lost relatives due to Covid, and this added a new level of grief to work through in addition to having families go through the whole technology implications and then being away from their peers and being away from their teachers. They were now forced to try to make sense of why grandma or grandpa passed away or why they were in the hospital and they could not see them. So for the adults who were not laid off, furloughed or working from home, this also added to the technology disconnection of children that needed to be put on a device when a childcare provider did not have access to Wi-Fi or there wasn't enough staff there to monitor virtual learning.”³⁴⁹

For students who detached from schooling due to emotional or behavioral issues, it was even more critical that parents and caregivers knew what their assignments and expectations were. Dr. Corey Lieneman, an Assistant Professor and Licensed Clinical Child Psychologist at the University of Nebraska Medical Center at the time of the briefing, walked the Committee through an example of the obstacles that even a well-resourced and motivated family would face in supporting their child with daily assignments online.³⁵⁰ In order to find out the requirements of a specific assignment, parents and caregivers would have to know the student's passwords for multiple websites, know how to navigate each of them, know the name of the class, its policies, and how to find the assignment, and review the associated information, which likely included links to various other websites.³⁵¹ Dr. Lieneman spoke about her own experience in having difficulty navigating this situation and how this can easily lead to feelings of anxiety and avoidance among families.³⁵² This is why she uplifted the importance of schools simplifying these processes in order to decrease barriers for families.³⁵³

Language Barriers

Limited English Proficient households, which tend to be comprised of immigrant families, faced the same challenges as described above in addition to language barriers that made navigating remote learning and a sense of belonging even more difficult.³⁵⁴ Their priorities were most focused

³⁴⁹ Saul-Merdassi Testimony, Transcript 3, p. 7.

³⁵⁰ Lieneman Testimony, Transcript 3, p. 15-16; *See also*: Lieneman Testimony, November 8, 2023, *Web Briefing*, supplemental slides, slide 30.

³⁵¹ *Ibid.*

³⁵² Lieneman Testimony, Transcript 3, p. 16.

³⁵³ *Ibid.*

³⁵⁴ Traslaviña Stover Testimony, Transcript 4, p. 7, 8; *See also*: Traslaviña Stover Testimony, Transcript 4, p. 8.

on meeting the basic needs of the household, such as having access to housing and food.³⁵⁵ Maintaining their job is also a top priority. In many instances, even if the employee faces mistreatment and exploitation, they have limited options because they are able to work in the meatpacking industry, for example, without knowing English.³⁵⁶ The focus tends to be on day-to-day survivability, with some parents and caregivers having to work multiple shifts at odd hours, and be a parent at the same time.³⁵⁷ These stressors take attention away from other priorities such as remote learning, and Dr. Traslaviña Stover argued that access to viable internet is also part of the basic needs families should have.³⁵⁸ Language barriers compounded the challenges described above, with some families unable to know how to secure data and internet plans needed for remote learning, and others who leaned on their school-aged children for translation and interpretation during the pandemic.³⁵⁹

Finding VIII - Schools and the Educational System in Nebraska Responded to the Pandemic with a Series of Innovative Policy and Governance Efforts

Collaborative Efforts and Strategic Innovations by Educational Officials to Address These Challenges

The pandemic exacerbated existing inequalities in rural and tribal communities, which already faced limited access to healthcare, technology, and resources.³⁶⁰ As Panelist Hogan stated, “The more rural you are, the more isolated you are, and the less access you have to services.”³⁶¹ But various rural school systems and officials we heard from in our testimony did not fail to respond to the call to innovate in face of the challenges.

Several rural school districts collaborated with a variety of stakeholders in efforts to improve outcomes for students during the pandemic. For example, Dr. Cerny shared that, at the request of the Nebraska Commissioner of Education, the Nebraska Rural Community Schools Association and the ESU Coordinating Council developed a document called “Considerations for Developing Reopening Plans for Nebraska Schools.”³⁶² The collaboration included over 120 school superintendents and ESU personnel and resulted in a suggested framework for school administrators and teachers in determining best practices at various phases of schools adapting to

³⁵⁵ Traslaviña Stover Testimony, Transcript 4, p. 6-7.

³⁵⁶ Traslaviña Stover Testimony, Transcript 4, p. 7.

³⁵⁷ Traslaviña Stover Testimony, Transcript 4, p. 8.

³⁵⁸ Traslaviña Stover Testimony, Transcript 4, p. 7.

³⁵⁹ Edison-Soe Testimony, Transcript 4, p. 9; *See also*: Traslaviña Stover Testimony, Transcript 4, p. 19.

³⁶⁰ Cerny Testimony, Transcript 5, p. 9.

³⁶¹ Hogan Testimony, Transcript 3, p. 25.

³⁶² Cerny Testimony, Transcript 5, p. 8-9; *See also*: Nebraska Rural Community Schools Association.

“Considerations for Developing Reopening Plans for Nebraska Schools.” 2020. <https://www.launchne.com/wp-content/uploads/2020/07/NRCSA-Considerations-for-Reopening.pdf> (accessed October 9, 2024).

the pandemic.³⁶³ The document details several vital school functions including curriculum, technology, and food service, among others with guidance on how to carry out needed functions depending on low spread, moderate spread, or substantial spread of the Covid-19 virus while prioritizing health and safety.³⁶⁴ Dr. Cerny, who is also on the board of the Nebraska School Activities Association, shared that the Association also implemented guidelines to minimize the risk of spreading Covid-19 during school-based athletic and extracurricular activities.³⁶⁵ Placing attention on extracurriculars is notable based on the need to maintain students engaged during the pandemic.³⁶⁶

Panelist Benson shared that her organization partnered with News Channel Nebraska to offer “Teacher TV.”³⁶⁷ “Teacher TV” offered accessible educational opportunities for elementary and secondary students early in the pandemic when schools were closed.³⁶⁸ Ms. Benson said this service was intended to especially benefit students living in rural areas, those who were home along during the day and did not have other educational support, and those in households with relatives such as grandparents who may not have been able to help them with the technology needed for remote learning.³⁶⁹

The Committee found that innovations were not limited to rural schools, as demonstrated by the Omaha Public Schools and their efforts with the distribution of iPads. As described in Finding III, Dr. Holman explained how the Omaha Public Schools swiftly adapted to remote learning. They established a drive-through system for parents to pick up educational materials, ensuring that students had resources to work with at home each day.³⁷⁰ Additionally, they organized food service pick-up locations and strategized on how to provide sufficient technology for students.³⁷¹ The district maintained full control over the applications accessible to students, which varied by grade level.³⁷² This proactive decision early in the pandemic prepared the district to navigate the uncertainties of the upcoming academic year, particularly considering potential classroom closures

³⁶³ Cerny Testimony, Transcript 5, p. 8-9; *See also*: Nebraska Rural Community Schools Association.

“Considerations for Developing Reopening Plans for Nebraska Schools.” 2020. <https://www.launchne.com/wp-content/uploads/2020/07/NRCSA-Considerations-for-Reopening.pdf> (accessed October 9, 2024).

³⁶⁴ Nebraska Rural Community Schools Association. “Considerations for Developing Reopening Plans for Nebraska Schools.” 2020. <https://www.launchne.com/wp-content/uploads/2020/07/NRCSA-Considerations-for-Reopening.pdf> (accessed October 9, 2024).

³⁶⁵ Cerny Testimony, Transcript 5, p. 9.

³⁶⁶ *Ibid*.

³⁶⁷ Benson Testimony, Transcript 4, p. 12; *See also*: News Channel Nebraska Central. “Teacher TV.” March 23, 2020. <https://www.newschannelnebraska.com/story/41928672/teacher-tv> (accessed October 9, 2024).

³⁶⁸ News Channel Nebraska Central. “Teacher TV.” March 23, 2020. <https://www.newschannelnebraska.com/story/41928672/teacher-tv> (accessed October 9, 2024).

³⁶⁹ Benson Testimony, Transcript 4, p. 12.

³⁷⁰ Holman Testimony, Transcript 4, p. 4.

³⁷¹ *Ibid*.

³⁷² Earl, David. “OPS will pay \$27 million to put iPads in every student's hands.” KETV Omaha ABC 7. May 4, 2020. <https://www.ketv.com/article/ops-will-pay-dollar27-million-to-put-ipads-in-every-students-hands/32371910> (August 16, 2024).

due to infections.³⁷³ By providing internet access, the district directly addressed concerns related to the digital divide, ensuring that students had both the necessary devices and connectivity to effectively engage with their education.³⁷⁴

Recommendations

Among their duties, advisory committees of the Commission are authorized to advise the Agency (1) concerning matters related to discrimination or a denial of equal protection of the laws under the Constitution and the effect of the laws and policies of the Federal Government with respect to equal protection of the laws, and (2) upon matters of mutual concern in the preparation of reports of the Commission to the President and the Congress.³⁷⁵ In keeping with these responsibilities, and given the testimony heard on this topic, the Committee submits the following recommendations to the Commission:

1. The U.S. Commission on Civil Rights should issue the following recommendations to the President of the United States and Congress:

- a. *Continue Elementary and Secondary School Emergency Relief Fund (ESSER) earmarking resources specifically for mental health resources to address increase in demand post Covid-19.*

2. The U.S. Commission on Civil Rights should issue the following recommendations to the President of the United States:

- a. *Direct the U.S. Department of Education to develop policies encouraging states to budget for and maintain side by side systems of equipment, personnel, and training for physical as well as virtual education, with the goal of being prepared for any future national health emergency analogous to COVID-19 and potentially mitigating negative impacts associated with any need to rapidly shift from one form of delivery of education to another on socially marginalized and disadvantaged groups that are part of its charge.*

³⁷³ Earl, David. "OPS will pay \$27 million to put iPads in every student's hands." KETV Omaha ABC 7. May 4, 2020. <https://www.ketv.com/article/ops-will-pay-dollar27-million-to-put-ipads-in-every-students-hands/32371910> (August 16, 2024).

³⁷⁴ Nitcher, Emily. "OPS to continue providing internet-connected iPads Omaha Public Schools to continue to provide internet connectivity for district-provided iPads." Omaha World-Herald May 13, 2021. https://omaha.com/news/local/education/omaha-public-schools-to-continue-to-provide-internet-connectivity-for-district-provided-ipads/article_80ca0a8a-b299-11eb-84f0-0787e310bfd8.html#:~:text=At%20least%20one%20pandemic-inspired%20innovation%20will%20continue%20next,one%20year.%20Board%20member%20Spencer%20Head%20voted%20no (accessed August 19, 2024).

³⁷⁵ 45 C.F.R. § 703.2 (2018).

- b. Direct the U.S. Department of Education to enhance emergency plans for more remote, rural, and disadvantaged communities including school support centers that would include internet facilities, mental health support, and transportations hubs. These facilities would be centrally located in such communities and function when traditional school facilities must be closed or functionality is curtailed for an emergency.*
 - c. Direct the U.S. Department of Education to advance an agenda of strategic national investment in educator recruitment, leveraging a variety of effective strategies such as expanding support for Grow Your Own initiatives, student loan forgiveness and/or signing bonuses for high-need certification areas, residency-based teacher preparation programs, tuition-free pathways for paraprofessionals, paid mentorship and induction programs, and/or national service scholarships tied to teaching commitments.*
- 3. The U.S. Commission on Civil Rights should:
 - a. Commission a nationwide study to examine how the digital divide in broadband access affects equal protection issues in US society, including housing, voting rights, the justice system and education.*
- 4. The U.S. Commission on Civil Rights should issue the following recommendations to the Governor of Nebraska and the Nebraska Legislature:
 - a. That they create a Childhood Mental Health and Learning Loss Task Force to determine, implement, and manage any state interventions necessary to ameliorate any impacts of the pandemic and support the full funding of this force through all phases of its assigned tasks.*
 - b. That they develop and fund targeted initiatives to recruit, train, and retain educators in special education and mental health fields with a focus on underserved and rural communities.*
 - c. That they work to expand access to school-based mental health services by developing and funding service incentives and support for partnerships between school districts and local providers.*
 - d. That they provide tuition assistance for students in education and behavioral and mental health career programs.*

Commented [VM2]: Recommendation from Member Creager based on Finding II, pg. 22.

Rationale: As test scores continue to lag post-Covid, there is a concern that students will not be adequately prepared for higher education and may need additional supports.

5. The U.S. Commission on Civil Rights should issue the following recommendations to the Nebraska Legislature, the Nebraska Department of Education, and the Nebraska State Board of Education:

- a. *That they develop a budget for and maintain side by side systems of equipment, personnel, and training for physical as well as well as virtual education, with the goal of being preparing for any future national health emergency analogous to COVID-19 and potentially mitigating negative impacts associated with any need to rapidly shift from one from of delivery of education to another on socially marginalized and disadvantaged groups that are part of its charge.*
- b. *That they enhance emergency plans for more remote, rural, and disadvantaged communities include school support centers that would include internet facilities, mental health support, transportations hubs. These facilities would be centrally located in such communities and function when traditional school facilities must be closed or functionally is curtailed for an emergency. The Committee would like to highlight the role local and regional collaborations played in a positive way during the pandemic for the continuity of education and the potential which such “centers” might offer for similar and greater collaboration in the event of a future similar emergency or other need for such “pooling” of resources and personnel.*

6. The U.S. Commission on Civil Rights should issue the following recommendation to school districts in Nebraska:

- a. *That efforts continue in Nebraska schools and school districts to attend to learning gaps and mental health challenges that were exacerbated by the pandemic. Nebraska schools made several substantial moves to mitigate the effects of the March 2020 shutdown (e.g., obtaining technology to support distance learning), and the commitment to returning to in-person instruction (which varied by district, but was consistently faster than in many other parts of the country) also minimized negative impact. Nonetheless, our collected testimony highlighted that pandemic-exacerbated gaps linger and that it is some of Nebraska’s most vulnerable students for whom this is most acute. Recovery work remains.*

Commented [VM3]: Recommendation from Vice Chair

Conclusion

This report was approved by a unanimous roll call vote of the members present at a meeting of the Committee held on August 21, 2025.

Appendix

All documents listed in the appendix can be accessed in the “Report Appendices” folder at the following link:

<https://usccr.app.box.com/folder/265885544892?s=mllfk8buuqc8px161vwq7oiboct6u5il>

- A. Briefing Transcripts
- B. Briefing Agendas, Minutes, and Panelist Presentations (PPT)
- C. Nebraska School District Closure Details

**Nebraska Advisory Committee to the
United States Commission on Civil Rights**



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