

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SEVENTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 852**

FINAL READING

Introduced by Day, 49; Hilkemann, 4; Linehan, 39; Pansing Brooks, 28;  
Wishart, 27; Hansen, M., 26; Vargas, 7; Morfeld, 46.

Read first time January 06, 2022

Committee: Education

1 A BILL FOR AN ACT relating to education; to amend section 79-1054,  
2 Revised Statutes Cumulative Supplement, 2020; to provide for  
3 behavioral health points of contact; to provide duties for the State  
4 Department of Education, the Division of Behavioral Health of the  
5 Department of Health and Human Services, and school districts; to  
6 provide for mental health first aid training; to change provisions  
7 relating to education innovation grants; to harmonize provisions; to  
8 provide operative dates; and to repeal the original section.  
9 Be it enacted by the people of the State of Nebraska,

1           Section 1. (1) On or before August 1, 2023, each school district  
2 shall designate one or more behavioral health points of contact for each  
3 school building or other division as determined by the school district. A  
4 behavioral health point of contact may be an administrator, a school  
5 nurse, a school psychologist, or another designated person affiliated  
6 with such school building or other division. Each behavioral health point  
7 of contact shall have knowledge of community behavioral health service  
8 providers and other resources available for students and families.

9           (2) On or before August 1, 2023, and on or before each August 1  
10 thereafter, the State Department of Education, in consultation with the  
11 Division of Behavioral Health of the Department of Health and Human  
12 Services, shall provide each school district with a registry of state and  
13 local behavioral health resources available to work with students and  
14 families by geographic area. The registry shall be updated at least  
15 annually and include resources for both school-based services and  
16 services accessible by students' families outside of school.

17           (3) Each behavioral health point of contact shall coordinate access  
18 to community behavioral health services for students and families and  
19 facilitate access to services during the school day at the school the  
20 student attends. Except as provided in section 43-2101, such facilitation  
21 shall be approved by the student's parent or guardian.

22           (4) Before the beginning of school year 2023-24, and before the  
23 beginning of each school year thereafter, each school district shall  
24 report the designated behavioral health points of contact to the State  
25 Department of Education.

26           Sec. 2. (1) The State Department of Education shall establish a  
27 mental health first aid training program for teachers and other personnel  
28 employed by a school district or an educational service unit  
29 participating in a grant under subsection (2) of section 79-1054.

30           (2) The mental health first aid training is to be delivered by  
31 trainers who are properly certified by a national organization for

1 behavioral health to provide training meeting the requirements of this  
2 section. The program shall also provide an opportunity for teachers and  
3 other designated personnel to complete the training necessary to become  
4 certified by a national organization for behavioral health to provide  
5 mental health first aid training to other teachers and designated  
6 personnel.

7 (3) Mental health first aid training shall include training on:

8 (a) The skills, resources, and knowledge necessary to assist  
9 students in crisis to connect with appropriate local mental health care  
10 services;

11 (b) Mental health resources, including the location of local  
12 community mental health centers; and

13 (c) Action plans and protocols for referral to such resources.

14 (4) A recipient of mental health first aid training shall also  
15 receive instruction in preparation to:

16 (a) Safely de-escalate crisis situations;

17 (b) Recognize the signs and symptoms of mental illness, including  
18 such psychiatric conditions as major clinical depression and anxiety  
19 disorders; and

20 (c) Timely refer a student to mental health services in the early  
21 stages of the development of a mental disorder to avoid subsequent  
22 behavioral health care and to enhance the effectiveness of mental health  
23 services. Except as provided in section 43-2101, any such referral shall  
24 be approved by the student's parent or guardian.

25 (5) It is the intent of the Legislature that the mental health first  
26 aid training program under this section shall be funded using lottery  
27 funds under section 9-812.

28 Sec. 3. Section 79-1054, Revised Statutes Cumulative Supplement,  
29 2020, is amended to read:

30 79-1054 (1)(a) This subsection applies until July 1, 2024.

31 (b) ~~(1)~~ The State Board of Education shall establish a competitive

1 innovation grant program with funding from the Nebraska Education  
2 Improvement Fund pursuant to section 9-812. Grantees shall be a school  
3 district, an educational service unit, or a combination of entities that  
4 includes at least one school district or educational service unit. For  
5 grantees that consist of a combination of entities, a participating  
6 school district or educational service unit shall be designated to act as  
7 the fiscal agent and administer the program funded by the grant. The  
8 state board shall only award grants pursuant to applications that the  
9 state board deems to be sufficiently innovative and to have a high chance  
10 of success.

11 ~~(c) (2)~~ An application for a grant pursuant to this subsection~~(1)~~  
12 ~~of this section~~ shall describe:

13 ~~(i) (a)~~ Specific measurable objectives for improving education  
14 outcomes for early childhood students, elementary students, middle school  
15 students, or high school students or for improving the transitions  
16 between any successive stages of education or between education and the  
17 workforce;

18 ~~(ii) (b)~~ The method for annually evaluating progress toward a  
19 measurable objective, with a summative evaluation of progress submitted  
20 to the state board and electronically to the Education Committee of the  
21 Legislature on or before July 1, 2019;

22 ~~(iii) (c)~~ The potential for the project to be both scalable and  
23 replicable; and

24 ~~(iv) (d)~~ Any cost savings that could be achieved by reductions in  
25 other programs if the funded program is successful.

26 ~~(d) (3)~~ Based on evaluations received on or before July 1, 2019, for  
27 each grant, the State Board of Education shall recommend the grant  
28 project as:

29 ~~(i) (a)~~ Representing a best practice;

30 ~~(ii) (b)~~ A model for a state-supported program; or

31 ~~(iii) (c)~~ A local issue for further study.

1           (e) ~~(4)~~ On or before December 1, 2017, and on or before December 1  
2 of each year thereafter, the state board shall electronically submit a  
3 report to the Clerk of the Legislature on all such grants, including, but  
4 not limited to, the results of the evaluations for each grant. The state  
5 board may adopt and promulgate rules and regulations to carry out this  
6 subsection ~~section~~, including, but not limited to, application  
7 procedures, selection procedures, and annual evaluation reporting  
8 procedures.

9           (2)(a) This subsection applies beginning July 1, 2024.

10           (b) The State Board of Education shall establish innovation grant  
11 programs in areas, including, but not limited to, (i) mental health first  
12 aid, (ii) early literacy, (iii) quality instructional materials, (iv)  
13 personalized learning through digital education, or (v) other innovation  
14 areas identified by the board. It is the intent of the Legislature that  
15 such grant programs shall be funded using lottery funds under section  
16 9-812. Grantees shall be a school district, an educational service unit,  
17 or a combination of entities that includes at least one school district  
18 or educational service unit.

19           (c) An application for participating in an innovation grant pursuant  
20 to this subsection shall describe:

21           (i) Specific measurable objectives for improving education outcomes  
22 for early childhood students, elementary students, middle school  
23 students, or high school students or for improving the transitions  
24 between any successive stages of education or between education and the  
25 workforce;

26           (ii) Participation in a method for annually evaluating progress  
27 toward a measurable objective, with a summative evaluation of progress  
28 submitted to the state board and electronically to the Education  
29 Committee of the Legislature on or before July 1 of each year;

30           (iii) The potential for the grant program to be both scalable and  
31 replicable; and

1        (iv) Any cost savings that could be achieved by reductions in other  
2 programs if the grant program is successful.

3        (d) Based on evaluations received on or before July 1 of each year  
4 for each grant program, the State Board of Education shall recommend the  
5 grant program as:

6        (i) Representing a best practice;

7        (ii) A model for a state-supported program; or

8        (iii) A local issue for further study.

9        (e) On or before December 1 of each year, the state board shall  
10 electronically submit a report to the Clerk of the Legislature on all  
11 such grant programs, including, but not limited to, the results of the  
12 evaluations for each grant program. The state board may adopt and  
13 promulgate rules and regulations to carry out this subsection, including,  
14 but not limited to, application procedures, selection procedures, and  
15 annual evaluation reporting procedures.

16        (3) ~~(5)~~ The Department of Education Innovative Grant Fund is  
17 created. The fund shall be administered by the State Department of  
18 Education and shall consist of transfers pursuant to section 9-812,  
19 repayments of grant funds, and interest payments received in the course  
20 of administering this section. The fund shall be used to carry out this  
21 section. Any money in the fund available for investment shall be invested  
22 by the state investment officer pursuant to the Nebraska Capital  
23 Expansion Act and the Nebraska State Funds Investment Act.

24        Sec. 4. Section 2 of this act becomes operative on July 1, 2024.  
25 The other sections of this act become operative on their effective date.

26        Sec. 5. Original section 79-1054, Revised Statutes Cumulative  
27 Supplement, 2020, is repealed.