

AMENDMENTS TO LB147

Introduced by Murman, 38.

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:

3 Section 1. Section 9-812, Revised Statutes Cumulative Supplement,
4 2018, is amended to read:

5 9-812 (1) All money received from the operation of lottery games
6 conducted pursuant to the State Lottery Act in Nebraska shall be credited
7 to the State Lottery Operation Trust Fund, which fund is hereby created.
8 All payments of the costs of establishing and maintaining the lottery
9 games shall be made from the State Lottery Operation Cash Fund. In
10 accordance with legislative appropriations, money for payments for
11 expenses of the division shall be transferred from the State Lottery
12 Operation Trust Fund to the State Lottery Operation Cash Fund, which fund
13 is hereby created. All money necessary for the payment of lottery prizes
14 shall be transferred from the State Lottery Operation Trust Fund to the
15 State Lottery Prize Trust Fund, which fund is hereby created. The amount
16 used for the payment of lottery prizes shall not be less than forty
17 percent of the dollar amount of the lottery tickets which have been sold.

18 (2) A portion of the dollar amount of the lottery tickets which have
19 been sold on an annualized basis shall be transferred from the State
20 Lottery Operation Trust Fund to the Education Innovation Fund, the
21 Nebraska Opportunity Grant Fund, the Nebraska Education Improvement Fund,
22 the Nebraska Environmental Trust Fund, the Nebraska State Fair Board, and
23 the Compulsive Gamblers Assistance Fund as provided in subsection (3) of
24 this section. The dollar amount transferred pursuant to this subsection
25 shall equal the greater of (a) the dollar amount transferred to the funds
26 in fiscal year 2002-03 or (b) any amount which constitutes at least
27 twenty-two percent and no more than twenty-five percent of the dollar

1 amount of the lottery tickets which have been sold on an annualized
2 basis. To the extent that funds are available, the Tax Commissioner and
3 director may authorize a transfer exceeding twenty-five percent of the
4 dollar amount of the lottery tickets sold on an annualized basis.

5 (3) Of the money available to be transferred to the Education
6 Innovation Fund, the Nebraska Opportunity Grant Fund, the Nebraska
7 Education Improvement Fund, the Nebraska Environmental Trust Fund, the
8 Nebraska State Fair Board, and the Compulsive Gamblers Assistance Fund:

9 (a) The first five hundred thousand dollars shall be transferred to
10 the Compulsive Gamblers Assistance Fund to be used as provided in section
11 9-1006;

12 (b) Beginning July 1, 2016, forty-four and one-half percent of the
13 money remaining after the payment of prizes and operating expenses and
14 the initial transfer to the Compulsive Gamblers Assistance Fund shall be
15 transferred to the Nebraska Education Improvement Fund;

16 (c) Forty-four and one-half percent of the money remaining after the
17 payment of prizes and operating expenses and the initial transfer to the
18 Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska
19 Environmental Trust Fund to be used as provided in the Nebraska
20 Environmental Trust Act;

21 (d) Ten percent of the money remaining after the payment of prizes
22 and operating expenses and the initial transfer to the Compulsive
23 Gamblers Assistance Fund shall be transferred to the Nebraska State Fair
24 Board if the most populous city within the county in which the fair is
25 located provides matching funds equivalent to ten percent of the funds
26 available for transfer. Such matching funds may be obtained from the city
27 and any other private or public entity, except that no portion of such
28 matching funds shall be provided by the state. If the Nebraska State Fair
29 ceases operations, ten percent of the money remaining after the payment
30 of prizes and operating expenses and the initial transfer to the
31 Compulsive Gamblers Assistance Fund shall be transferred to the General

1 Fund; and

2 (e) One percent of the money remaining after the payment of prizes
3 and operating expenses and the initial transfer to the Compulsive
4 Gamblers Assistance Fund shall be transferred to the Compulsive Gamblers
5 Assistance Fund to be used as provided in section 9-1006.

6 (4) The Nebraska Education Improvement Fund is created. The fund
7 shall consist of money transferred pursuant to subsection (3) of this
8 section, money transferred pursuant to section 85-1920, and any other
9 funds appropriated by the Legislature. The fund shall be allocated, after
10 actual and necessary administrative expenses, as provided in this section
11 for fiscal years 2016-17 through 2020-21. A portion of each allocation
12 may be retained by the agency to which the allocation is made or the
13 agency administering the fund to which the allocation is made for actual
14 and necessary expenses incurred by such agency for administration,
15 evaluation, and technical assistance related to the purposes of the
16 allocation, except that no amount of the allocation to the Nebraska
17 Opportunity Grant Fund may be used for such purposes. On or before
18 December 31, 2019, the Education Committee of the Legislature shall
19 electronically submit recommendations to the Clerk of the Legislature
20 regarding how the fund should be allocated to best advance the
21 educational priorities of the state for the five-year period beginning
22 with fiscal year 2021-22. For fiscal year 2016-17, an amount equal to ten
23 percent of the revenue allocated to the Education Innovation Fund and to
24 the Nebraska Opportunity Grant Fund for fiscal year 2015-16 shall be
25 retained in the Nebraska Education Improvement Fund. For fiscal years
26 2017-18 through 2020-21, an amount equal to ten percent of the revenue
27 received by the Nebraska Education Improvement Fund in the prior fiscal
28 year shall be retained in the fund. The balance of the fund on August 1,
29 2021, shall be transferred to the Behavioral Training Cash Fund. For
30 fiscal years 2016-17 through 2020-21, the remainder of the Nebraska
31 Education Improvement Fund fund, after payment of any learning community

1 transition aid pursuant to section 79-10,145, shall be allocated as
2 follows:

3 (a) One percent of the allocated funds to the Expanded Learning
4 Opportunity Grant Fund to carry out the Expanded Learning Opportunity
5 Grant Program Act;

6 (b) Seventeen percent of the allocated funds to the Department of
7 Education Innovative Grant Fund to be used (i) for competitive innovation
8 grants pursuant to section 79-1054 and (ii) to carry out the purposes of
9 section 79-759;

10 (c) Nine percent of the allocated funds to the Community College Gap
11 Assistance Program Fund to carry out the community college gap assistance
12 program;

13 (d) Eight percent of the allocated funds to the Excellence in
14 Teaching Cash Fund to carry out the Excellence in Teaching Act;

15 (e) Sixty-two percent of the allocated funds to the Nebraska
16 Opportunity Grant Fund to carry out the Nebraska Opportunity Grant Act in
17 conjunction with appropriations from the General Fund; and

18 (f) Three percent of the allocated funds to fund distance education
19 incentives pursuant to section 79-1337.

20 (5) Any money in the State Lottery Operation Trust Fund, the State
21 Lottery Operation Cash Fund, the State Lottery Prize Trust Fund, the
22 Nebraska Education Improvement Fund, or the Education Innovation Fund
23 available for investment shall be invested by the state investment
24 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
25 State Funds Investment Act.

26 (6) Unclaimed prize money on a winning lottery ticket shall be
27 retained for a period of time prescribed by rules and regulations. If no
28 claim is made within such period, the prize money shall be used at the
29 discretion of the Tax Commissioner for any of the purposes prescribed in
30 this section.

31 Sec. 2. Section 79-254, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 79-254 Sections 79-254 to 79-294 and sections 4 and 5 of this act
3 shall be known and may be cited as the Student Discipline Act.

4 Sec. 3. Section 79-258, Revised Statutes Supplement, 2019, is
5 amended to read:

6 79-258 Administrative and teaching personnel may take actions
7 regarding student behavior, other than those specifically provided in the
8 Student Discipline Act, which are reasonably necessary to aid the
9 student, further school purposes, or prevent interference with the
10 educational process. Such actions may include, but need not be limited
11 to, physical intervention, counseling of students, parent conferences,
12 referral to restorative justice practices or services, rearrangement of
13 schedules, requirements that a student remain in school after regular
14 hours to do additional work, restriction of extracurricular activity, or
15 requirements that a student receive counseling, psychological evaluation,
16 or psychiatric evaluation upon the written consent of a parent or
17 guardian to such counseling or evaluation.

18 Sec. 4. (1) Teachers and other school personnel may use reasonable
19 physical intervention to safely manage the behavior of a student to:

20 (a) Protect such student, another student, a teacher or other school
21 personnel, or another person from physical injury; or

22 (b) Secure property in the possession of such student if the
23 possession of such property by such student poses a threat of physical
24 injury to such student, another student, a teacher or other school
25 personnel, or another person.

26 (2) Any physical intervention by a teacher or other school personnel
27 pursuant to subdivision (1)(a) or (b) of this section shall not be used
28 for the purpose of inflicting bodily pain as a penalty for disapproved
29 behavior.

30 (3) Following the use of physical intervention pursuant to this
31 section, a teacher or other school personnel shall contact and notify the

1 parent or guardian of the use of physical intervention.

2 (4) No teacher or other school personnel shall be subject to
3 professional or administrative discipline for the use of physical
4 intervention pursuant to subdivision (1)(a) or (b) of this section if
5 such physical intervention was reasonable. Nothing in this section shall
6 be construed to limit any defense that may be available under any
7 provision of law, including, but not limited to, any defense relating to
8 self-protection, the protection of others, or the Political Subdivision
9 Tort Claims Act.

10 Sec. 5. (1) Each school district shall have a policy that describes
11 the process of removing a student from a class and returning a student to
12 a class. Such policy shall: (a) Describe how and when a student may be
13 removed from a class and returned to a class; (b) use a discipline
14 process that is proactive, instructive, and restorative; (c) require
15 appropriate communication between administrators, teachers or other
16 school personnel, students, and parents or guardians. Such policy shall
17 be made available to the public.

18 (2) Unless prohibited by the federal Individuals with Disabilities
19 Education Act, 20 U.S.C. 1400 et seq., or a plan developed pursuant to
20 section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, as such
21 acts existed on January 1, 2020, an administrator or administrator's
22 designee shall immediately remove a student from a class upon request by
23 a teacher or other school personnel if such teacher or other school
24 personnel has followed school policy in requesting the removal of such
25 student.

26 (3) When a student is removed from a class, the goal must be to
27 return the student to the class as soon as possible after appropriate
28 instructional or behavioral interventions or supports have been
29 implemented to increase the likelihood the student will be successful.
30 For a student with a pattern of disruptive behavior, the school shall
31 provide additional interventions or supports.

1 (4) No teacher or other school personnel shall be subject to
2 professional or administrative discipline for the removal of a student
3 from a class pursuant to this section if such teacher or other school
4 personnel acted in a reasonable manner and in accordance with school
5 policy.

6 Sec. 6. Section 79-2,144, Revised Statutes Cumulative Supplement,
7 2018, is amended to read:

8 79-2,144 The state school security director appointed pursuant to
9 section 79-2,143 shall be responsible for providing leadership and
10 support for safety and security for the public schools. Duties of the
11 director include, but are not limited to:

12 (1) Collecting safety and security plans, required pursuant to rules
13 and regulations of the State Department of Education relating to
14 accreditation of schools, and other school security information from each
15 school system in Nebraska. School districts shall provide the state
16 school security director with the safety and security plans of the school
17 district and any other security information requested by the director,
18 but any plans or information submitted by a school district may be
19 withheld by the department pursuant to subdivision (8) of section
20 84-712.05;

21 (2) Recommending minimum standards for school security on or before
22 January 1, 2016, to the State Board of Education;

23 (3) Conducting an assessment of the security of each public school
24 building, which assessment shall be completed by August 31, 2019;

25 (4) Identifying deficiencies in school security based on the minimum
26 standards adopted by the State Board of Education and making
27 recommendations to school boards for remedying such deficiencies;

28 (5) Establishing security awareness and preparedness tools and
29 training programs for public school staff;

30 (6) Establishing research-based model instructional programs for
31 staff, students, and parents to address the underlying causes for violent

1 attacks on schools;

2 (7) Overseeing suicide awareness and prevention training in public
3 schools pursuant to section 79-2,146;

4 (8) Establishing tornado preparedness standards which shall include,
5 but not be limited to, ensuring that every school conducts at least two
6 tornado drills per year;

7 (9) Collecting behavioral awareness and intervention training plans
8 and certifying compliance or noncompliance with section 79-2,146 to the
9 Commissioner of Education for each school district;

10 (10) ~~(9)~~ Responding to inquiries and requests for assistance
11 relating to school security from private, denominational, and parochial
12 schools; and

13 (11) ~~(10)~~ Recommending curricular and extracurricular materials to
14 assist school districts in preventing and responding to cyberbullying and
15 digital citizenship issues.

16 Sec. 7. Section 79-2,146, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 79-2,146 (1)(a) ~~(1)~~ Beginning in school year 2015-16, all public
19 school nurses, teachers, counselors, school psychologists,
20 administrators, school social workers, and any other appropriate
21 personnel shall receive at least one hour of suicide awareness and
22 prevention training each year. This training shall be provided within the
23 framework of existing inservice training programs offered by the State
24 Department of Education or as part of required professional development
25 activities.

26 (b) ~~(2)~~ The department, in consultation with organizations
27 including, but not limited to, the Nebraska State Suicide Prevention
28 Coalition, the Nebraska chapter of the American Foundation for Suicide
29 Prevention, the Behavioral Health Education Center of Nebraska, the
30 National Alliance on Mental Illness Nebraska, and other organizations and
31 professionals with expertise in suicide prevention, shall develop a list

1 of approved training materials to fulfill the requirements of subsection
2 (1) of this section. Such materials shall include training on how to
3 identify appropriate mental health services, both within the school and
4 also within the larger community, and when and how to refer youth and
5 their families to those services. Such materials may include programs
6 that can be completed through self-review of suitable suicide prevention
7 materials.

8 (2)(a) Prior to the end of school year 2023-24, each school district
9 shall ensure that administrators, teachers, paraprofessionals, school
10 nurses, and counselors receive behavioral awareness and intervention
11 training. Each school district may provide such training, or similar
12 training, to any other school employees at the discretion of the school
13 district. In addition, all school employees shall have a basic awareness
14 of the goals, strategies, and schoolwide plans included in such training.

15 (b) Beginning in school year 2021-22, each school district shall
16 ensure that behavioral awareness and intervention training is offered
17 annually. Administrators, teachers, paraprofessionals, school nurses, and
18 counselors who have received such training from the school district in
19 which they are employed shall receive a behavioral awareness and
20 intervention training review at least once every three years.

21 (c) Any protections and defenses found in the Student Discipline Act
22 shall not be made contingent on whether or not an employee of a school
23 district has completed behavioral awareness and intervention training.

24 (d) Behavioral awareness and intervention training shall include,
25 but not be limited to, evidence-based training on a continuum that
26 includes:

27 (i) Recognition of detrimental factors impacting student behavior,
28 including, but not limited to, signs of trauma;

29 (ii) Positive behavior support and proactive teaching strategies,
30 including, but not limited to, expectations and boundaries;

31 (iii) Verbal intervention and de-escalation techniques;

1 (iv) Clear guidelines on removing students from and returning
2 students to a class;

3 (v) Behavioral interventions and supports that will take place when
4 a student has been removed from a class; and

5 (vi) Physical intervention for safety.

6 (e) In addition to the requirements contained in subdivision (2)(d)
7 of this section, behavioral awareness and intervention training shall be
8 consistent with the Student Discipline Act, include an awareness of the
9 protections for school personnel found in the act, include an awareness
10 of the requirement for written consent of a parent or guardian pursuant
11 to section 79-258, and include the identification and role of each
12 employee designated as the behavioral awareness and intervention point of
13 contact.

14 (3)(a) Each school district shall designate one or more school
15 employees as a behavioral awareness and intervention point of contact for
16 each school building or other division as determined by such school
17 district. Each behavioral awareness and intervention point of contact
18 shall be trained in behavioral awareness and intervention and shall have
19 knowledge of community service providers and other resources that are
20 available for the students and families in such school district.

21 (b) Each school district shall maintain or have access to an
22 existing registry of local mental health and counseling resources. The
23 registry shall include resource services that can be accessed by families
24 and individuals outside of school. Each behavioral awareness and
25 intervention point of contact shall coordinate access to support services
26 for students whenever possible. Except as provided in section 43-2101, if
27 information for an external support service is provided to an individual
28 student, school personnel shall notify a parent or guardian of such
29 student in writing unless law enforcement or child protective services is
30 involved. Each school district shall indicate each behavioral awareness
31 and intervention point of contact for such school district on the web

1 site of the school district and in any school directory for the school
2 that the behavioral awareness and intervention point of contact serves.

3 (4)(a) On or before September 1, 2021, and on or before September 1
4 of each year thereafter, each school district shall submit a behavioral
5 awareness and intervention training report to the state school security
6 director. Such report shall include the school district behavioral
7 awareness and intervention training plan, summarize how such plan
8 fulfills the requirements of this section, and provide any other
9 information required by rules and regulations adopted and promulgated
10 pursuant to subsection (5) of this section.

11 (b) Behavioral awareness and intervention training required pursuant
12 to this section shall be funded from the Behavioral Training Cash Fund
13 pursuant to section 10 of this act. Any school district that fails to
14 file the behavioral awareness and intervention training report required
15 pursuant to subdivision (4)(a) of this section with the state school
16 security director or that is found to be in noncompliance with the
17 requirements of this section shall not receive behavioral awareness and
18 intervention training funding pursuant to section 10 of this act for such
19 school year.

20 (c) On or before October 31, 2021, and each October 31 thereafter,
21 the state school security director shall certify the compliance or
22 noncompliance with the requirements of this section of each school
23 district to the Commissioner of Education.

24 (5) ~~(3)~~ The department may adopt and promulgate rules and
25 regulations to carry out this section.

26 Sec. 8. The Behavioral Training Cash Fund is created. The fund
27 shall be administered by the State Department of Education and shall
28 consist of money received pursuant to section 9-812 and any money
29 appropriated by the Legislature. The department shall distribute money in
30 the fund pursuant to section 10 of this act to school districts for
31 behavioral awareness and intervention training required pursuant to

1 section 79-2,146. Any money in the fund available for investment shall be
2 invested by the state investment officer pursuant to the Nebraska Capital
3 Expansion Act and the Nebraska State Funds Investment Act.

4 Sec. 9. Section 79-1001, Revised Statutes Cumulative Supplement,
5 2018, is amended to read:

6 79-1001 Sections 79-1001 to 79-1033 and section 10 of this act shall
7 be known and may be cited as the Tax Equity and Educational Opportunities
8 Support Act.

9 Sec. 10. (1) For school fiscal year 2021-22 and each school fiscal
10 year thereafter, using data from the fall personnel report filed pursuant
11 to section 79-804 for the immediately preceding school fiscal year, each
12 school district shall receive behavioral training funding paid from the
13 Behavioral Training Cash Fund for each school within such school district
14 that has any grade above kindergarten, including, but not limited to, a
15 special education school, an alternative school, or a focus school.

16 (2) Except as otherwise provided in subsection (6) of this section,
17 the behavioral training funding for each school described in subsection
18 (1) of this section shall equal the base training reimbursement plus any
19 additional training reimbursement units calculated pursuant to this
20 section.

21 (3) The base training reimbursement shall be two thousand dollars.

22 (4) Each school that has a full-time teacher equivalent greater than
23 or equal to eighty teachers shall qualify for additional training
24 reimbursement units as follows:

25 (a) Three additional training reimbursement units for each school
26 with a full-time teacher equivalent greater than or equal to two hundred
27 forty teachers;

28 (b) Two additional training reimbursement units for each school with
29 a full-time teacher equivalent greater than or equal to one hundred sixty
30 teachers but less than two hundred forty teachers; and

31 (c) One additional training reimbursement unit for each school with

1 a full-time teacher equivalent greater than or equal to eighty teachers
2 but less than one hundred sixty teachers.

3 (5) The amount to be paid for each additional training reimbursement
4 unit for each school fiscal year shall equal the ratio of (a) the
5 difference of the amount available for distribution in the Behavioral
6 Training Cash Fund on August 10 immediately preceding such school fiscal
7 year minus the total of the base training reimbursements for all school
8 districts divided by (b) the total additional training reimbursement
9 units for all school districts.

10 (6) For any school fiscal year when the amount available for
11 distribution in the Behavioral Training Cash Fund on August 10
12 immediately preceding such school fiscal year is less than the total of
13 the base training reimbursements for all schools as calculated pursuant
14 to subsection (3) of this section, the base training reimbursements shall
15 be reduced proportionally such that the total of the base training
16 reimbursements for all schools equals the amount available for
17 distribution. Payment shall not be made for any additional training
18 reimbursement units pursuant to subsections (4) and (5) of this section
19 for such school fiscal year.

20 (7) For school fiscal year 2021-22, each school district shall
21 qualify for behavioral training funding. For school fiscal year 2022-23
22 and each school fiscal year thereafter, each school district in
23 compliance with the behavioral awareness and intervention training
24 requirements provided in section 79-2,146, as certified by the state
25 school security director, shall be eligible for behavioral training
26 funding.

27 (8) The department shall not include behavioral training funding in
28 the calculation of formula resources pursuant to section 79-1017.01.

29 (9) Behavioral training funding shall be distributed directly to
30 school districts from the Behavioral Training Cash Fund in the same
31 manner as and in conjunction with funds distributed pursuant to section

1 79-1022.

2 Sec. 11. Original sections 79-254 and 79-2,146, Reissue Revised
3 Statutes of Nebraska, sections 9-812, 79-2,144, and 79-1001, Revised
4 Statutes Cumulative Supplement, 2018, and section 79-258, Revised
5 Statutes Supplement, 2019, are repealed.