

LEGISLATIVE BILL 852

Approved by the Governor April 18, 2022

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

A BILL FOR AN ACT relating to education; to amend section 79-1054, Revised Statutes Cumulative Supplement, 2020; to provide for behavioral health points of contact; to provide duties for the State Department of Education, the Division of Behavioral Health of the Department of Health and Human Services, and school districts; to provide for mental health first aid training; to change provisions relating to education innovation grants; to harmonize provisions; to provide operative dates; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

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

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

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

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

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

(2) The mental health first aid training is to be delivered by trainers who are properly certified by a national organization for behavioral health to provide training meeting the requirements of this section. The program shall also provide an opportunity for teachers and other designated personnel to complete the training necessary to become certified by a national organization for behavioral health to provide mental health first aid training to other teachers and designated personnel.

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

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

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

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

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

(a) Safely de-escalate crisis situations;

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

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

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

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

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

(b) (1) The State Board of Education shall establish a competitive innovation grant program with funding from the Nebraska Education Improvement Fund pursuant to section 9-812. Grantees shall be a school district, an educational service unit, or a combination of entities that includes at least

one school district or educational service unit. For grantees that consist of a combination of entities, a participating school district or educational service unit shall be designated to act as the fiscal agent and administer the program funded by the grant. The state board shall only award grants pursuant to applications that the state board deems to be sufficiently innovative and to have a high chance of success.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) Representing a best practice;

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

(iii) A local issue for further study.

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

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

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

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