

AMENDMENTS TO LB811

Introduced by Murman, 38.

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

3           Section 1. Section 9-812, Reissue Revised Statutes of Nebraska, is  
4 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 2023-24. 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, 2022, 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 2024-25. 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 2023-24, 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 at all times plus any interest earned  
29 during the current fiscal year. The balance of the fund on August 1,  
30 2024, shall be transferred to the Behavioral Training Cash Fund. For  
31 fiscal years 2016-17 through 2023-24, the remainder of the Nebraska

1 Education Improvement Fund fund shall be allocated as follows:

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

5 (b) Seventeen percent of the allocated funds to the Department of  
6 Education Innovative Grant Fund to be used for competitive innovation  
7 grants pursuant to section 79-1054;

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

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

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

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

18 (5)(a) On or before September 20, 2022, and on or before each  
19 September 20 thereafter, (i) any department or agency receiving a  
20 transfer or acting as the administrator for a fund receiving a transfer  
21 pursuant to subsection (4) of this section, (ii) any recipient or  
22 subsequent recipient of money from any such fund, and (iii) any service  
23 contractor responsible for managing any portion of any such fund or any  
24 money disbursed from any such fund on behalf of any entity shall prepare  
25 and submit an annual report to the Auditor of Public Accounts in a manner  
26 prescribed by the auditor for the immediately preceding July 1 through  
27 June 30 fiscal year detailing information regarding the use of such fund  
28 or such money.

29 (b) The Auditor of Public Accounts shall annually compile a summary  
30 of the annual reports received pursuant to subdivision (5)(a) of this  
31 section, any audits related to transfers pursuant to subsection (4) of

1 this section conducted by the Auditor of Public Accounts, and any  
2 findings or recommendations related to such transfers into a consolidated  
3 annual report and shall submit such consolidated annual report  
4 electronically to the Legislature on or before January 1, 2023, and on or  
5 before each January 1 thereafter.

6 (c) For purposes of this subsection, recipient, subsequent  
7 recipient, or service contractor means a nonprofit entity that expends  
8 funds transferred pursuant to subsection (4) of this section to carry out  
9 a state program or function, but does not include an individual who is a  
10 direct beneficiary of such a program or function.

11 (6) Any money in the State Lottery Operation Trust Fund, the State  
12 Lottery Operation Cash Fund, the State Lottery Prize Trust Fund, or the  
13 Nebraska Education Improvement Fund available for investment shall be  
14 invested by the state investment officer pursuant to the Nebraska Capital  
15 Expansion Act and the Nebraska State Funds Investment Act.

16 (7) Unclaimed prize money on a winning lottery ticket shall be  
17 retained for a period of time prescribed by rules and regulations. If no  
18 claim is made within such period, the prize money shall be used at the  
19 discretion of the Tax Commissioner for any of the purposes prescribed in  
20 this section.

21 Sec. 2. Section 79-254, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 79-254 Sections 79-254 to 79-294 and sections 5 and 6 of this act  
24 shall be known and may be cited as the Student Discipline Act.

25 Sec. 3. Section 79-258, Revised Statutes Cumulative Supplement,  
26 2022, is amended to read:

27 79-258 Administrative and teaching personnel may take actions  
28 regarding student behavior, other than those specifically provided in the  
29 Student Discipline Act, which are reasonably necessary to aid the  
30 student, further school purposes, or prevent interference with the  
31 educational process. Such actions may include, but need not be limited

1 to, physical intervention, counseling of students, parent conferences,  
2 referral to restorative justice practices or services, rearrangement of  
3 schedules, requirements that a student remain in school after regular  
4 hours to do additional work, restriction of extracurricular activity, or  
5 requirements that a student receive counseling, psychological evaluation,  
6 or psychiatric evaluation upon the written consent of a parent or  
7 guardian to such counseling or evaluation.

8 Sec. 4. Section 79-259, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 79-259 If a student is removed, suspended, expelled, or excluded  
11 from school or from any educational function pursuant to the Student  
12 Discipline Act, such absence from school shall not be deemed a violation  
13 on the part of any person under any compulsory school attendance  
14 statutes. Any suspension or expulsion under the act shall comply with the  
15 requirements of the Special Education Act and the requirements of the  
16 federal Individuals with Disabilities Education Act, 20 U.S.C. 1401 et  
17 seq.

18 Sec. 5. (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 an imminent threat of  
24 physical injury to such student, another student, a teacher or other  
25 school personnel, or another person.

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

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

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

6       Sec. 6. (1) Each school district shall have a policy that describes  
7 the process of removing a student from a class and returning a student to  
8 a class. Such policy shall: (a) Describe how and when a student may be  
9 removed from a class and returned to a class; (b) use a discipline  
10 process that is proactive, instructive, and restorative; and (c) require  
11 appropriate communication between administrators, teachers or other  
12 school personnel, students, and parents or guardians. Such policy shall  
13 be made available to the public.

14       (2) Unless prohibited by the federal Individuals with Disabilities  
15 Education Act, 20 U.S.C. 1400 et seq., or a plan developed pursuant to  
16 section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, as such  
17 acts existed on January 1, 2023, an administrator or administrator's  
18 designee shall immediately remove a student from a class upon request by  
19 a teacher or other school personnel if such teacher or other school  
20 personnel has followed school policy in requesting the removal of such  
21 student.

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

28       (4) No teacher or other school personnel shall be subject to  
29 professional or administrative discipline for the removal of a student  
30 from a class pursuant to this section if such teacher or other school  
31 personnel acted in a reasonable manner and in accordance with school

1 policy.

2 Sec. 7. Section 79-2,144, Revised Statutes Cumulative Supplement,  
3 2022, is amended to read:

4 79-2,144 The state school security director appointed pursuant to  
5 section 79-2,143 shall be responsible for providing leadership and  
6 support for safety and security for the public schools. Duties of the  
7 director include, but are not limited to:

8 (1) Collecting safety and security plans, required pursuant to rules  
9 and regulations of the State Department of Education relating to  
10 accreditation of schools, and other school security information from each  
11 school system in Nebraska. School districts shall provide the state  
12 school security director with the safety and security plans of the school  
13 district and any other security information requested by the director,  
14 but any plans or information submitted by a school district may be  
15 withheld by the department pursuant to subdivision (9) of section  
16 84-712.05;

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

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

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

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

26 (6) Establishing research-based model instructional programs for  
27 staff, students, and parents to address the underlying causes for violent  
28 attacks on schools;

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

31 (8) Establishing tornado preparedness standards which shall include,



1 but not be limited to, ensuring that every school conducts at least two  
2 tornado drills per year;

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

6 (10) ~~(9)~~ Responding to inquiries and requests for assistance  
7 relating to school security from private, denominational, and parochial  
8 schools;

9 (11) ~~(10)~~ Recommending curricular and extracurricular materials to  
10 assist school districts in preventing and responding to cyberbullying and  
11 digital citizenship issues; and

12 (12) ~~(11)~~ Carrying out the department's responsibilities under the  
13 School Safety and Security Reporting System Act.

14 Sec. 8. Section 79-2,146, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

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

24 (b) ~~(2)~~ The department, in consultation with organizations  
25 including, but not limited to, the Nebraska State Suicide Prevention  
26 Coalition, the Nebraska chapter of the American Foundation for Suicide  
27 Prevention, the Behavioral Health Education Center of Nebraska, the  
28 National Alliance on Mental Illness Nebraska, and other organizations and  
29 professionals with expertise in suicide prevention, shall develop a list  
30 of approved training materials to fulfill the requirements of subsection  
31 (1) of this section. Such materials shall include training on how to

1 identify appropriate mental health services, both within the school and  
2 also within the larger community, and when and how to refer youth and  
3 their families to those services. Such materials may include programs  
4 that can be completed through self-review of suitable suicide prevention  
5 materials.

6 (2)(a) Prior to the end of school year 2026-27, each school district  
7 shall ensure that administrators, teachers, paraprofessionals, school  
8 nurses, and counselors receive behavioral awareness and intervention  
9 training. Each school district may provide such training, or similar  
10 training, to any other school employees at the discretion of the school  
11 district. In addition, all school employees shall have a basic awareness  
12 of the goals, strategies, and schoolwide plans included in such training.

13 (b) Beginning in school year 2024-25, each school district shall  
14 ensure that behavioral awareness and intervention training is offered  
15 annually. Administrators, teachers, paraprofessionals, school nurses, and  
16 counselors who have received such training from the school district in  
17 which they are employed shall receive a behavioral awareness and  
18 intervention training review at least once every three years.

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

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

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

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

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

30 (iv) Clear guidelines on removing students from and returning  
31 students to a class;

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

3       (vi) Physical intervention for safety.

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

12       (3)(a) On or before September 1, 2024, and on or before September 1  
13 of each year thereafter, each school district shall submit a behavioral  
14 awareness and intervention training report to the state school security  
15 director. Such report shall include the school district behavioral  
16 awareness and intervention training plan, summarize how such plan  
17 fulfills the requirements of this section, and provide any other  
18 information required by rules and regulations adopted and promulgated  
19 pursuant to subsection (4) of this section.

20       (b) Behavioral awareness and intervention training required pursuant  
21 to this section shall be funded from the Behavioral Training Cash Fund  
22 pursuant to section 11 of this act. Any school district that fails to  
23 file the behavioral awareness and intervention training report required  
24 pursuant to subdivision (3)(a) of this section with the state school  
25 security director or that is found to be in noncompliance with the  
26 requirements of this section shall not receive behavioral awareness and  
27 intervention training funding pursuant to section 11 of this act for such  
28 school year.

29       (c) On or before October 31, 2024, and each October 31 thereafter,  
30 the state school security director shall certify the compliance or  
31 noncompliance with the requirements of this section of each school

1 district to the Commissioner of Education.

2 (4) (3) The department may adopt and promulgate rules and  
3 regulations to carry out this section.

4 Sec. 9. The Behavioral Training Cash Fund is created. The fund  
5 shall be administered by the State Department of Education and shall  
6 consist of money received pursuant to section 9-812 and any money  
7 appropriated by the Legislature. The department shall distribute money in  
8 the fund pursuant to section 11 of this act to school districts for  
9 behavioral awareness and intervention training required pursuant to  
10 section 79-2,146. Any money in the fund available for investment shall be  
11 invested by the state investment officer pursuant to the Nebraska Capital  
12 Expansion Act and the Nebraska State Funds Investment Act.

13 Sec. 10. Section 79-1001, Revised Statutes Cumulative Supplement,  
14 2022, is amended to read:

15 79-1001 Sections 79-1001 to 79-1033 and section 11 of this act shall  
16 be known and may be cited as the Tax Equity and Educational Opportunities  
17 Support Act.

18 Sec. 11. (1) For school fiscal year 2024-25, and each school fiscal  
19 year thereafter, using data from the fall personnel report filed pursuant  
20 to section 79-804 for the immediately preceding school fiscal year, each  
21 school district shall receive behavioral training funding paid from the  
22 Behavioral Training Cash Fund for each school within such school district  
23 that has any grade above kindergarten, including, but not limited to, a  
24 special education school, an alternative school, or a focus school.

25 (2) Except as otherwise provided in subsection (6) of this section,  
26 the behavioral training funding for each school described in subsection  
27 (1) of this section shall equal the base training reimbursement plus any  
28 additional training reimbursement units calculated pursuant to this  
29 section.

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

31 (4) Each school that has a full-time teacher equivalent greater than

1 or equal to eighty teachers shall qualify for additional training  
2 reimbursement units as follows:

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

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

9 (c) One additional training reimbursement unit for each school with  
10 a full-time teacher equivalent greater than or equal to eighty teachers  
11 but less than one hundred sixty teachers.

12 (5) The amount to be paid for each additional training reimbursement  
13 unit for each school fiscal year shall equal the ratio of (a) the  
14 difference of the amount available for distribution in the Behavioral  
15 Training Cash Fund on August 10 immediately preceding such school fiscal  
16 year minus the total of the base training reimbursements for all school  
17 districts divided by (b) the total additional training reimbursement  
18 units for all school districts.

19 (6) For any school fiscal year when the amount available for  
20 distribution in the Behavioral Training Cash Fund on August 10  
21 immediately preceding such school fiscal year is less than the total of  
22 the base training reimbursements for all schools as calculated pursuant  
23 to subsection (3) of this section, the base training reimbursements shall  
24 be reduced proportionally such that the total of the base training  
25 reimbursements for all schools equals the amount available for  
26 distribution. Payment shall not be made for any additional training  
27 reimbursement units pursuant to subsections (4) and (5) of this section  
28 for such school fiscal year.

29 (7) For school fiscal year 2024-25, each school district shall  
30 qualify for behavioral training funding. For school fiscal year 2025-26  
31 and each school fiscal year thereafter, each school district in

1 compliance with the behavioral awareness and intervention training  
2 requirements provided in section 79-2,146, as certified by the state  
3 school security director, shall be eligible for behavioral training  
4 funding.

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

7 (9) Behavioral training funding shall be distributed directly to  
8 school districts from the Behavioral Training Cash Fund in the same  
9 manner as and in conjunction with funds distributed pursuant to section  
10 79-1022.

11 Sec. 12. Original sections 9-812, 79-254, 79-259, and 79-2,146,  
12 Reissue Revised Statutes of Nebraska, and sections 79-258, 79-2,144, and  
13 79-1001, Revised Statutes Cumulative Supplement, 2022, are repealed.