

AMENDMENTS TO LB515

(Amendments to Standing Committee amendments, AM1673)

Introduced by Groene, 42.

1 1. Insert the following new sections:

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

4 9-812 (1) All money received from the operation of lottery games
5 conducted pursuant to the State Lottery Act in Nebraska shall be credited
6 to the State Lottery Operation Trust Fund, which fund is hereby created.
7 All payments of the costs of establishing and maintaining the lottery
8 games shall be made from the State Lottery Operation Cash Fund. In
9 accordance with legislative appropriations, money for payments for
10 expenses of the division shall be transferred from the State Lottery
11 Operation Trust Fund to the State Lottery Operation Cash Fund, which fund
12 is hereby created. All money necessary for the payment of lottery prizes
13 shall be transferred from the State Lottery Operation Trust Fund to the
14 State Lottery Prize Trust Fund, which fund is hereby created. The amount
15 used for the payment of lottery prizes shall not be less than forty
16 percent of the dollar amount of the lottery tickets which have been sold.

17 (2) A portion of the dollar amount of the lottery tickets which have
18 been sold on an annualized basis shall be transferred from the State
19 Lottery Operation Trust Fund to the Education Innovation Fund, the
20 Nebraska Opportunity Grant Fund, the Nebraska Education Improvement Fund,
21 the Nebraska Environmental Trust Fund, the Nebraska State Fair Board, and
22 the Compulsive Gamblers Assistance Fund as provided in subsection (3) of
23 this section. The dollar amount transferred pursuant to this subsection
24 shall equal the greater of (a) the dollar amount transferred to the funds
25 in fiscal year 2002-03 or (b) any amount which constitutes at least
26 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. 4. Section 79-258, Revised Statutes Supplement, 2019, is

1 amended to read:

2 79-258 Administrative and teaching personnel may take actions
3 regarding student behavior, other than those specifically provided in the
4 Student Discipline Act, which are reasonably necessary to aid the
5 student, further school purposes, or prevent interference with the
6 educational process. Such actions may include, but need not be limited
7 to, physical intervention, counseling of students, parent conferences,
8 referral to restorative justice practices or services, rearrangement of
9 schedules, requirements that a student remain in school after regular
10 hours to do additional work, restriction of extracurricular activity, or
11 requirements that a student receive counseling, psychological evaluation,
12 or psychiatric evaluation upon the written consent of a parent or
13 guardian to such counseling or evaluation.

14 Sec. 5. (1) Teachers and other school personnel may use reasonable
15 physical intervention to safely manage the behavior of a student to:

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

18 (b) Secure property in the possession of such student if the
19 possession of such property by such student poses a threat of physical
20 injury to such student, another student, a teacher or other school
21 personnel, or another person.

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

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

29 (4) No teacher or other school personnel shall be subject to
30 professional or administrative discipline for the use of physical
31 intervention pursuant to subdivision (1)(a) or (b) of this section if

1 such physical intervention was reasonable. Nothing in this section shall
2 be construed to limit any defense that may be available under any
3 provision of law, including, but not limited to, any defense relating to
4 self-protection, the protection of others, or the Political Subdivisions
5 Tort Claims Act.

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; (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, 2020, 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 the student will be successful.
26 For a student with a pattern of disruptive behavior, the school shall
27 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. 19. Section 79-2,144, Revised Statutes Cumulative Supplement,
3 2018, 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 (8) 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; and

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

12 Sec. 20. Section 79-2,146, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 79-2,146 (1)(a) ~~(1)~~ Beginning in school year 2015-16, all public
15 school nurses, teachers, counselors, school psychologists,
16 administrators, school social workers, and any other appropriate
17 personnel shall receive at least one hour of suicide awareness and
18 prevention training each year. This training shall be provided within the
19 framework of existing inservice training programs offered by the State
20 Department of Education or as part of required professional development
21 activities.

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

1 their families to those services. Such materials may include programs
2 that can be completed through self-review of suitable suicide prevention
3 materials.

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

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

17 (c) Behavioral awareness and intervention training shall include,
18 but not be limited to, evidence-based training on a continuum that
19 includes:

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

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

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

25 (iv) Clear guidelines on removing students from and returning
26 students to a class;

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

29 (vi) Physical intervention for safety.

30 (d) In addition to the requirements contained in subdivision (2)(c)
31 of this section, behavioral awareness and intervention training shall be

1 consistent with the Student Discipline Act, include an awareness of the
2 protections for school personnel found in the act, include an awareness
3 of the requirement for written consent of a parent or guardian pursuant
4 to section 79-258, and include the identification and role of each
5 employee designated as the behavioral awareness and intervention point of
6 contact.

7 (3)(a) Each school district shall designate one or more school
8 employees as a behavioral awareness and intervention point of contact for
9 each school building or other division as determined by such school
10 district. Each behavioral awareness and intervention point of contact
11 shall be trained in behavioral awareness and intervention and shall have
12 knowledge of community service providers and other resources that are
13 available for the students and families in such school district.

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

27 (4)(a) On or before September 1, 2021, and on or before September 1
28 of each year thereafter, each school district shall submit a behavioral
29 awareness and intervention training report to the state school security
30 director. Such report shall include the school district behavioral
31 awareness and intervention training plan, summarize how such plan

1 fulfills the requirements of this section, and provide any other
2 information required by rules and regulations adopted and promulgated
3 pursuant to subsection (5) of this section.

4 (b) Behavioral awareness and intervention training required pursuant
5 to this section shall be funded from the Behavioral Training Cash Fund
6 pursuant to section 23 of this act. Any school district that fails to
7 file the behavioral awareness and intervention training report required
8 pursuant to subdivision (4)(a) of this section with the state school
9 security director or that is found to be in noncompliance with the
10 requirements of this section shall not receive behavioral awareness and
11 intervention training funding pursuant to section 23 of this act for such
12 school year.

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

17 (5) ~~(3)~~ The department may adopt and promulgate rules and
18 regulations to carry out this section.

19 Sec. 21. The Behavioral Training Cash Fund is created. The fund
20 shall be administered by the State Department of Education and shall
21 consist of money received pursuant to section 9-812 and any money
22 appropriated by the Legislature. The department shall distribute money in
23 the fund pursuant to section 23 of this act to school districts for
24 behavioral awareness and intervention training required pursuant to
25 section 79-2,146. Any money in the fund available for investment shall be
26 invested by the state investment officer pursuant to the Nebraska Capital
27 Expansion Act and the Nebraska State Funds Investment Act.

28 Sec. 22. Section 79-1001, Revised Statutes Cumulative Supplement,
29 2018, is amended to read:

30 79-1001 Sections 79-1001 to 79-1033 and section 23 of this act shall
31 be known and may be cited as the Tax Equity and Educational Opportunities

1 Support Act.

2 Sec. 23. (1) For school fiscal year 2021-22 and each school fiscal
3 year thereafter, using data from the fall personnel report filed pursuant
4 to section 79-804 for the immediately preceding school fiscal year, each
5 school district shall receive behavioral training funding paid from the
6 Behavioral Training Cash Fund for each school within such school district
7 that has any grade above kindergarten, including, but not limited to, a
8 special education school, an alternative school, or a focus school.

9 (2) Except as otherwise provided in subsection (6) of this section,
10 the behavioral training funding for each school described in subsection
11 (1) of this section shall equal the base training reimbursement plus any
12 additional training reimbursement units calculated pursuant to this
13 section.

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

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

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

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

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

27 (5) The amount to be paid for each additional training reimbursement
28 unit for each school fiscal year shall equal the ratio of (a) the
29 difference of the amount available for distribution in the Behavioral
30 Training Cash Fund on August 10 immediately preceding such school fiscal
31 year minus the total of the base training reimbursements for all school

1 districts divided by (b) the total additional training reimbursement
2 units for all school districts.

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

13 (7) For school fiscal year 2021-22, each school district shall
14 qualify for behavioral training funding. For school fiscal year 2022-23
15 and each school fiscal year thereafter, each school district in
16 compliance with the behavioral awareness and intervention training
17 requirements provided in section 79-2,146, as certified by the state
18 school security director, shall be eligible for behavioral training
19 funding.

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

22 (9) Behavioral training funding shall be distributed directly to
23 school districts from the Behavioral Training Cash Fund in the same
24 manner as and in conjunction with funds distributed pursuant to section
25 79-1022.

26 2. On page 1, line 5, strike "section 4" and insert "sections 5, 6,
27 and 8".

28 3. Renumber the remaining sections and correct the repealer
29 accordingly.