

LEGISLATURE OF NEBRASKA

ONE HUNDRED THIRD LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 275**

Introduced by Nordquist, 7; Ashford, 20; Campbell, 25; Conrad, 46;  
Cook, 13; Gloor, 35; Harr, 8; Howard, 9; Kolowski, 31;  
Lathrop, 12; Mello, 5.

Read first time January 16, 2013

Committee: Education

A BILL

1 FOR AN ACT relating to public health and welfare; to amend sections  
2 9-812 and 9-836.01, Reissue Revised Statutes of Nebraska,  
3 and sections 68-907 and 68-968, Revised Statutes  
4 Cumulative Supplement, 2012; to adopt the Nebraska  
5 Coordinated School Health Act; to change allocation  
6 provisions relating to the Education Innovation Fund; to  
7 change provisions relating to School Health Center  
8 Advisory Councils; to harmonize provisions; to repeal the  
9 original sections; and to declare an emergency.

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

1           Section 1. Sections 1 to 7 of this act shall be known and  
2 may be cited as the Nebraska Coordinated School Health Act.

3           Sec. 2. (1) The Nebraska Coordinated School Health Fund  
4 is created. The fund shall be under the control of and administered  
5 by the State Department of Education. The fund shall be used for  
6 administration of and competitive grants pursuant to the Coordinated  
7 School Health Program under section 3 of this act. The fund shall  
8 consist of transfers authorized by the Legislature and any additional  
9 public or private funds. Any money in the fund available for  
10 investment shall be invested by the state investment officer pursuant  
11 to the Nebraska Capital Expansion Act and the Nebraska State Funds  
12 Investment Act. Interest earned shall be credited back to the  
13 Nebraska Coordinated School Health Fund.

14           (2) On July 1, 2013, and July 1, 2014, or the first  
15 working day thereafter, the State Treasurer shall transfer two  
16 hundred thousand dollars from the Education Innovation Fund to the  
17 Nebraska Coordinated School Health Fund. Any unspent money from the  
18 transfer under this subsection remaining in the Nebraska Coordinated  
19 School Health Fund at the end of FY2014-15 shall revert to the  
20 Education Innovation Fund.

21           Sec. 3. (1) The State Department of Education shall award  
22 competitive grants under the Coordinated School Health Program from  
23 the Nebraska Coordinated School Health Fund as provided in this  
24 section. Any school district shall be eligible for a competitive  
25 grant under the Coordinated School Health Program if such school

1 district applies for the grant and:

2 (a) Is seeking funding to support the establishment of a  
3 school-based health center as defined in section 68-907;

4 (b) Is able to demonstrate a relationship with a  
5 sponsoring facility as defined in section 68-907; and

6 (c) Is able to demonstrate long-term financial  
7 sustainability of the school-based health center.

8 (2) The department shall consider the following when  
9 selecting the recipients of competitive grants under the Coordinated  
10 School Health Program:

11 (a) Location in an area that has been designated as a  
12 health profession shortage area pursuant to section 71-5665 or  
13 federal law or as a medically underserved area or population pursuant  
14 to Nebraska or federal law; or

15 (b) The majority of the district's students are eligible  
16 for free or reduced-price lunches.

17 (3) The department shall award competitive grants up to  
18 the amount credited to the fund as follows:

19 (a) Not less than ninety percent of the money in the fund  
20 shall be awarded as competitive grants to school districts in a  
21 manner to be determined by the department; and

22 (b) Up to ten percent of the fund may be used by the  
23 department to administer the Coordinated School Health Program.

24 (4) To be eligible to receive a competitive grant under  
25 the program, a school district shall provide fifty percent matching

1 funds for the establishment of the school-based health center. The  
2 funds may be obtained from any source available to the school  
3 district, including in-kind contributions, community or foundation  
4 grants, individual contributions, and local governmental agency  
5 operating funds.

6 (5) Funds from a competitive grant received under the  
7 program may only be used for capital construction and startup costs  
8 for school-based health centers and may not be used for ongoing  
9 operations, administration, or service delivery costs.

10 (6) A school district is not eligible to receive a  
11 competitive grant under the program more than once for the same  
12 school-based health center. A district may apply for and receive a  
13 competitive grant for multiple school-based health centers within the  
14 same district but may receive only one such grant in any fiscal year.

15 Sec. 4. (1) The State Department of Education shall  
16 select the recipients of competitive grants under the Coordinated  
17 School Health Program.

18 (2) The department shall establish an application process  
19 for competitive grants under the Coordinated School Health Program  
20 and shall provide the following information to potential applicants:

21 (a) Application procedures and deadlines;

22 (b) Required information;

23 (c) Criteria for selection and evaluation of  
24 applications;

25 (d) Criteria for determining the amount and duration of

1 the grants;

2 (e) Reporting requirements for grant recipients; and

3 (f) Any other information the department deems necessary.

4 (3) Grant recipients shall submit a report to the  
5 department upon completion of the project for which the grant is  
6 awarded, summarizing the use of the grant money according to the  
7 requirements established by the department under subdivision (2)(e)  
8 of this section.

9 Sec. 5. If, within the five years following receipt of a  
10 grant for a school-based health center pursuant to the Nebraska  
11 Coordinated School Health Act, a school district receiving such grant  
12 uses the facility purchased, constructed, or remodeled with grant  
13 funds for purposes other than those stated to qualify for the grant,  
14 the school district shall repay the grant to the Education Innovation  
15 Fund with interest at the rate prescribed in section 45-104.02  
16 accruing from the last date the facility was used as a school-based  
17 health center as determined by the State Department of Education or  
18 the date that the department determines that the facility will not be  
19 used as a school-based health center or that such facility will not  
20 be purchased, constructed, or remodeled for such purpose. Interest  
21 shall continue to accrue on outstanding balances until the repayment  
22 has been completed. The remaining terms of repayment shall be  
23 determined by the department.

24 Sec. 6. The State Department of Education may adopt and  
25 promulgate rules and regulations to carry out the Nebraska

1 Coordinated School Health Act.

2           Sec. 7. The Nebraska Coordinated School Health Act  
3 terminates on June 30, 2015.

4           Sec. 8. Section 9-812, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

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

20           (2) Beginning October 1, 2003, a portion of the dollar  
21 amount of the lottery tickets which have been sold on an annualized  
22 basis shall be transferred from the State Lottery Operation Trust  
23 Fund to the Education Innovation Fund, the Nebraska Opportunity Grant  
24 Fund, the Nebraska Environmental Trust Fund, the Nebraska State Fair  
25 Board, and the Compulsive Gamblers Assistance Fund. The dollar amount

1 transferred pursuant to this subsection shall equal the greater of  
2 (a) the dollar amount transferred to the funds in fiscal year 2002-03  
3 or (b) any amount which constitutes at least twenty-two percent and  
4 no more than twenty-five percent of the dollar amount of the lottery  
5 tickets which have been sold on an annualized basis. To the extent  
6 that funds are available, the Tax Commissioner and director may  
7 authorize a transfer exceeding twenty-five percent of the dollar  
8 amount of the lottery tickets sold on an annualized basis.

9 (3) Of the money available to be transferred to the  
10 Education Innovation Fund, the Nebraska Opportunity Grant Fund, the  
11 Nebraska Environmental Trust Fund, the Nebraska State Fair Board, and  
12 the Compulsive Gamblers Assistance Fund:

13 (a) The first five hundred thousand dollars shall be  
14 transferred to the Compulsive Gamblers Assistance Fund to be used as  
15 provided in section 71-817;

16 (b) Nineteen and three-fourths percent of the money  
17 remaining after the payment of prizes and operating expenses and the  
18 initial transfer to the Compulsive Gamblers Assistance Fund shall be  
19 transferred to the Education Innovation Fund;

20 (c) Twenty-four and three-fourths percent of the money  
21 remaining after the payment of prizes and operating expenses and the  
22 initial transfer to the Compulsive Gamblers Assistance Fund shall be  
23 transferred to the Nebraska Opportunity Grant Fund;

24 (d) Forty-four and one-half percent of the money  
25 remaining after the payment of prizes and operating expenses and the

1 initial transfer to the Compulsive Gamblers Assistance Fund shall be  
2 transferred to the Nebraska Environmental Trust Fund to be used as  
3 provided in the Nebraska Environmental Trust Act;

4 (e) Ten percent of the money remaining after the payment  
5 of prizes and operating expenses and the initial transfer to the  
6 Compulsive Gamblers Assistance Fund shall be transferred to the  
7 Nebraska State Fair Board if the most populous city within the county  
8 in which the fair is located provides matching funds equivalent to  
9 ten percent of the funds available for transfer. Such matching funds  
10 may be obtained from the city and any other private or public entity,  
11 except that no portion of such matching funds shall be provided by  
12 the state. If the Nebraska State Fair ceases operations, ten percent  
13 of the money remaining after the payment of prizes and operating  
14 expenses and the initial transfer to the Compulsive Gamblers  
15 Assistance Fund shall be transferred to the General Fund; and

16 (f) One percent of the money remaining after the payment  
17 of prizes and operating expenses and the initial transfer to the  
18 Compulsive Gamblers Assistance Fund shall be transferred to the  
19 Compulsive Gamblers Assistance Fund to be used as provided in section  
20 71-817.

21 (4)(a) The Education Innovation Fund is created. At least  
22 seventy-five percent of the lottery proceeds allocated to the  
23 Education Innovation Fund shall be available for disbursement.

24 (b) For fiscal year 2010-11, the Education Innovation  
25 Fund shall be allocated as follows: The first one million dollars

1 shall be transferred to the Excellence in Teaching Cash Fund to fund  
2 the Excellence in Teaching Act, and the amount remaining in the  
3 Education Innovation Fund shall be allocated, after administrative  
4 expenses, for distance education equipment and incentives pursuant to  
5 sections 79-1336 and 79-1337.

6 (c) For fiscal year 2011-12, the Education Innovation  
7 Fund shall be allocated as follows: (i) The first two hundred twenty-  
8 five thousand dollars shall be transferred to the Excellence in  
9 Teaching Cash Fund to fund the Attracting Excellence to Teaching  
10 Program; (ii) the next three million three hundred sixty-five  
11 thousand nine hundred sixty-two dollars shall be distributed to  
12 school districts as grants pursuant to the Early Childhood Education  
13 Grant Program; (iii) the next two million one hundred seventy-five  
14 thousand six hundred seventy-three dollars shall be distributed to  
15 local systems as grants for approved accelerated or differentiated  
16 curriculum programs for students identified as learners with high  
17 ability pursuant to section 79-1108.02; (iv) the next four hundred  
18 ninety-one thousand five hundred forty-one dollars shall be used by  
19 the State Department of Education for the development of an  
20 integrated early childhood, elementary, secondary, and postsecondary  
21 student information system; (v) the next four hundred fifty thousand  
22 dollars shall fund the Center for Student Leadership and Extended  
23 Learning Act; (vi) the next one hundred fourteen thousand six hundred  
24 twenty-nine dollars shall fund the multicultural education program  
25 created under section 79-720; (vii) the next one hundred twenty-three

1 thousand four hundred sixty-eight dollars shall be used by the  
2 department to employ persons to investigate and prosecute alleged  
3 violations as provided in section 79-868; (viii) up to the next one  
4 hundred sixty thousand dollars shall be used by the department to  
5 implement section 79-759; and (ix) the amount remaining shall be  
6 allocated, after administrative expenses, for distance education  
7 equipment and incentives pursuant to sections 79-1336 and 79-1337.

8 (d) For fiscal year 2012-13, the Education Innovation  
9 Fund shall be allocated as follows: (i) The first forty-five thousand  
10 dollars shall be transferred to the Excellence in Teaching Cash Fund  
11 to fund the Attracting Excellence to Teaching Program; (ii) the next  
12 three million three hundred sixty-five thousand nine hundred sixty-  
13 two dollars shall be distributed to school districts as grants  
14 pursuant to the Early Childhood Education Grant Program; (iii) the  
15 next two million one hundred seventy-five thousand six hundred  
16 seventy-three dollars shall be distributed to local systems as grants  
17 for approved accelerated or differentiated curriculum programs for  
18 students identified as learners with high ability pursuant to section  
19 79-1108.02; (iv) the next one hundred eight thousand one hundred  
20 thirty-six dollars shall be used by the department for the  
21 development of an integrated early childhood, elementary, secondary,  
22 and postsecondary student information system; (v) the next four  
23 hundred fifty thousand dollars shall fund the Center for Student  
24 Leadership and Extended Learning Act; (vi) the next one hundred  
25 fourteen thousand six hundred twenty-nine dollars shall be used by

1 the department to fund the multicultural education program created  
2 under section 79-720; (vii) the next one hundred twenty-three  
3 thousand four hundred sixty-eight dollars shall be used by the  
4 department to employ persons to investigate and prosecute alleged  
5 violations as provided in section 79-868; (viii) up to the next one  
6 hundred sixty thousand dollars shall be used by the department to  
7 implement section 79-759; (ix) the next twenty-seven thousand two  
8 hundred dollars shall be used to fund the Interstate Compact on  
9 Educational Opportunity for Military Children; (x) the next two  
10 hundred thousand dollars shall be used to provide grants to establish  
11 bridge programs pursuant to sections 79-1189 to 79-1195; and (xi) the  
12 amount remaining shall be allocated, after administrative expenses,  
13 for distance education equipment and incentives pursuant to sections  
14 79-1336 and 79-1337.

15 (e) For fiscal year 2013-14, the Education Innovation  
16 Fund shall be allocated as follows: (i) The first one million dollars  
17 shall be transferred to the Excellence in Teaching Cash Fund to fund  
18 the Excellence in Teaching Act; (ii) the next two hundred thousand  
19 dollars shall be transferred to the Nebraska Coordinated School  
20 Health Fund pursuant to section 2 of this act; (iii) the next  
21 allocation shall be distributed to local systems as grants for  
22 approved accelerated or differentiated curriculum programs for  
23 students identified as learners with high ability pursuant to section  
24 79-1108.02 in an aggregated amount up to the amount distributed in  
25 the prior fiscal year for such purposes increased by the basic

1 allowable growth rate pursuant to section 79-1025; ~~(iii)~~(iv) the  
2 next allocation shall be used by the State Department of Education  
3 for the integrated early childhood, elementary, secondary, and  
4 postsecondary student information system in an aggregated amount up  
5 to the amount used in the prior fiscal year for such purposes  
6 increased by the basic allowable growth rate pursuant to section  
7 79-1025; ~~(iv)~~(v) the next allocation shall fund the Center for  
8 Student Leadership and Extended Learning Act in an aggregated amount  
9 up to the amount used in the prior fiscal year for such purposes  
10 increased by the basic allowable growth rate pursuant to section  
11 79-1025; ~~(v)~~(vi) the next allocation shall be used by the department  
12 to fund the multicultural education program created under section  
13 79-720 in an aggregated amount up to the amount used in the prior  
14 fiscal year for such purposes increased by the basic allowable growth  
15 rate pursuant to section 79-1025; ~~(vi)~~(vii) the next allocation  
16 shall be used by the department to employ persons to investigate and  
17 prosecute alleged violations as provided in section 79-868 in an  
18 aggregated amount up to the amount used in the prior fiscal year for  
19 such purposes increased by the basic allowable growth rate pursuant  
20 to section 79-1025; ~~(vii)~~(viii) up to the next one hundred sixty  
21 thousand dollars shall be used by the department to implement section  
22 79-759; ~~(viii)~~(ix) the next two hundred thousand dollars shall be  
23 used to provide grants to establish bridge programs pursuant to  
24 sections 79-1189 to 79-1195; and ~~(ix)~~(x) the amount remaining shall  
25 be allocated, after administrative expenses, for distance education

1 equipment and incentives pursuant to sections 79-1336 and 79-1337.

2 (f) For fiscal year 2014-15, the Education Innovation  
3 Fund shall be allocated as follows: (i) The first one million dollars  
4 shall be transferred to the Excellence in Teaching Cash Fund to fund  
5 the Excellence in Teaching Act; (ii) the next two hundred thousand  
6 dollars shall be transferred to the Nebraska Coordinated School  
7 Health Fund pursuant to section 2 of this act; (iii) the next  
8 allocation shall be distributed to local systems as grants for  
9 approved accelerated or differentiated curriculum programs for  
10 students identified as learners with high ability pursuant to section  
11 79-1108.02 in an aggregated amount up to the amount distributed in  
12 the prior fiscal year for such purposes increased by the basic  
13 allowable growth rate pursuant to section 79-1025; ~~(iii)~~(iv) the  
14 next allocation shall be used by the State Department of Education  
15 for the integrated early childhood, elementary, secondary, and  
16 postsecondary student information system in an aggregated amount up  
17 to the amount used in the prior fiscal year for such purposes  
18 increased by the basic allowable growth rate pursuant to section  
19 79-1025; ~~(iv)~~(v) the next allocation shall fund the Center for  
20 Student Leadership and Extended Learning Act in an aggregated amount  
21 up to the amount used in the prior fiscal year for such purposes  
22 increased by the basic allowable growth rate pursuant to section  
23 79-1025; ~~(v)~~(vi) the next allocation shall be used by the department  
24 to fund the multicultural education program created under section  
25 79-720 in an aggregated amount up to the amount used in the prior

1 fiscal year for such purposes increased by the basic allowable growth  
2 rate pursuant to section 79-1025; ~~(vi)~~ (vii) the next allocation  
3 shall be used by the department to employ persons to investigate and  
4 prosecute alleged violations as provided in section 79-868 in an  
5 aggregated amount up to the amount used in the prior fiscal year for  
6 such purposes increased by the basic allowable growth rate pursuant  
7 to section 79-1025; ~~(vii)~~ (viii) the next two hundred thousand  
8 dollars shall be used to provide grants to establish bridge programs  
9 pursuant to sections 79-1189 to 79-1195; and ~~(viii)~~ (ix) the amount  
10 remaining shall be allocated, after administrative expenses, for  
11 distance education equipment and incentives pursuant to sections  
12 79-1336 and 79-1337.

13 (g) For fiscal year 2015-16, the Education Innovation  
14 Fund shall be allocated as follows: (i) The first one million dollars  
15 shall be transferred to the Excellence in Teaching Cash Fund to fund  
16 the Excellence in Teaching Act; (ii) the next allocation shall be  
17 distributed to local systems as grants for approved accelerated or  
18 differentiated curriculum programs for students identified as  
19 learners with high ability pursuant to section 79-1108.02 in an  
20 aggregated amount up to the amount distributed in the prior fiscal  
21 year for such purposes increased by the basic allowable growth rate  
22 pursuant to section 79-1025; (iii) the next allocation shall be used  
23 by the State Department of Education for the integrated early  
24 childhood, elementary, secondary, and postsecondary student  
25 information system in an aggregated amount up to the amount used in

1 the prior fiscal year for such purposes increased by the basic  
2 allowable growth rate pursuant to section 79-1025; (iv) the next  
3 allocation shall fund the Center for Student Leadership and Extended  
4 Learning Act in an aggregated amount up to the amount used in the  
5 prior fiscal year for such purposes increased by the basic allowable  
6 growth rate pursuant to section 79-1025; (v) the next allocation  
7 shall be used by the department to fund the multicultural education  
8 program created under section 79-720 in an aggregated amount up to  
9 the amount used in the prior fiscal year for such purposes increased  
10 by the basic allowable growth rate pursuant to section 79-1025; (vi)  
11 the next allocation shall be used by the department to employ persons  
12 to investigate and prosecute alleged violations as provided in  
13 section 79-868 in an aggregated amount up to the amount used in the  
14 prior fiscal year for such purposes increased by the basic allowable  
15 growth rate pursuant to section 79-1025; and (vii) the amount  
16 remaining shall be allocated, after administrative expenses, for  
17 distance education equipment and incentives pursuant to sections  
18 79-1336 and 79-1337.

19 (h) For fiscal year 2016-17 and each fiscal year  
20 thereafter, the Education Innovation Fund shall be allocated, after  
21 administrative expenses, for education purposes as provided by the  
22 Legislature.

23 (5) Any money in the State Lottery Operation Trust Fund,  
24 the State Lottery Operation Cash Fund, the State Lottery Prize Trust  
25 Fund, or the Education Innovation Fund available for investment shall

1 be invested by the state investment officer pursuant to the Nebraska  
2 Capital Expansion Act and the Nebraska State Funds Investment Act.

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

8 Sec. 9. Section 9-836.01, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10 9-836.01 The division may endorse and sell for profit  
11 tangible personal property related to the lottery. Any money received  
12 as profit by the division pursuant to this section shall be remitted  
13 to the State Treasurer for credit to the State Lottery Operation  
14 Trust Fund to be distributed to the Education Innovation Fund, the  
15 Nebraska Opportunity Grant Fund, the Nebraska Environmental Trust  
16 Fund, ~~and the Compulsive Gamblers Assistance Fund, and the Nebraska~~  
17 Coordinated School Health Fund pursuant to the requirements of  
18 section 9-812.

19 Sec. 10. Section 68-907, Revised Statutes Cumulative  
20 Supplement, 2012, is amended to read:

21 68-907 For purposes of the Medical Assistance Act:

22 (1) Committee means the Health and Human Services  
23 Committee of the Legislature;

24 (2) Department means the Department of Health and Human  
25 Services;

1                   (3) Medicaid Reform Plan means the Medicaid Reform Plan  
2 submitted on December 1, 2005, pursuant to the Medicaid Reform Act  
3 enacted pursuant to Laws 2005, LB 709;

4                   (4) Medicaid state plan means the comprehensive written  
5 document, developed and amended by the department and approved by the  
6 federal Centers for Medicare and Medicaid Services, which describes  
7 the nature and scope of the medical assistance program and provides  
8 assurances that the department will administer the program in  
9 compliance with federal requirements;

10                  (5) Provider means a person providing health care or  
11 related services under the medical assistance program;

12                  (6) School-based health center means a health center  
13 that:

14                   (a) Is located in or is adjacent to a school facility;

15                   (b) Is organized through school, school district,  
16 learning community, community, and provider relationships;

17                   (c) Is administered by a sponsoring facility;

18                   (d) Provides school-based health services onsite during  
19 school hours to children and adolescents by health care professionals  
20 in accordance with state and local laws, rules, and regulations,  
21 established standards, and community practice;

22                   (e) Does not perform abortion services or refer or  
23 counsel for abortion services and does not dispense, prescribe, or  
24 counsel for contraceptive drugs or devices; and

25                   (f) ~~Does not~~ May serve as a child's or an adolescent's

1 ~~medical or dental home but augments and supports if he or she does~~  
2 ~~not have and is unable to access a medical or dental home in the~~  
3 ~~community and may also serve as an access point to a medical or~~  
4 ~~dental home or augment and support services~~ provided by the medical  
5 or dental home;

6 (7) School-based health services may include any  
7 combination of the following as determined in partnership with a  
8 sponsoring facility, the school district, and the community:

9 (a) Medical health;

10 (b) Behavioral and mental health;

11 (c) Preventive health; and

12 (d) Oral health;

13 (8) Sponsoring facility means:

14 (a) A hospital;

15 (b) A public health department as defined in section  
16 71-1626;

17 (c) A federally qualified health center as defined in  
18 section 1905(1)(2)(B) of the federal Social Security Act, 42 U.S.C.  
19 1396d(1)(2)(B), as such act and section existed on January 1, 2010;

20 (d) A nonprofit health care entity whose mission is to  
21 provide access to comprehensive primary health care services;

22 (e) A school or school district; or

23 (f) A program administered by the Indian Health Service  
24 or the federal Bureau of Indian Affairs or operated by an Indian  
25 tribe or tribal organization under the federal Indian Self-

1 Determination and Education Assistance Act, or an urban Indian  
2 program under Title V of the federal Indian Health Care Improvement  
3 Act, as such acts existed on January 1, 2010; and

4 (9) Waiver means the waiver of applicability to the state  
5 of one or more provisions of federal law relating to the medical  
6 assistance program based on an application by the department and  
7 approval of such application by the federal Centers for Medicare and  
8 Medicaid Services.

9 Sec. 11. Section 68-968, Revised Statutes Cumulative  
10 Supplement, 2012, is amended to read:

11 68-968 (1) To ensure that the interests of the school  
12 district, community, and health care provider are reflected within  
13 the policies, procedures, and scope of services of school-based  
14 health centers, each school district hosting at least one school-  
15 based health center shall establish a School Health Center Advisory  
16 Council. ~~for each school in the district hosting a school-based~~  
17 ~~health center.~~

18 (2) The School Health Center Advisory Council shall  
19 include:

20 (a) At least one representative of the school  
21 administration or school district administration;

22 (b) At least one representative of the sponsoring  
23 facility; and

24 (c) At least one parent recommended by a school  
25 administrator or school district administrator. ~~and approved by a~~

1 ~~majority vote of the school board.~~ Any parent serving on a School  
2 Health Center Advisory Council shall have at least one child enrolled  
3 in the school district through which the school-based health center  
4 is organized.

5           (3) If another institution or organization sponsors the  
6 school-based health center, at least one representative of each  
7 sponsoring institution or organization shall be included on the  
8 School Health Center Advisory Council.

9           (4) School Health Center Advisory Councils may also  
10 include students enrolled in the school district through which the  
11 school-based health center is organized. Any such students must be  
12 appointed by a school administrator or school district administrator.

13           Sec. 12. Original sections 9-812 and 9-836.01, Reissue  
14 Revised Statutes of Nebraska, and sections 68-907 and 68-968, Revised  
15 Statutes Cumulative Supplement, 2012, are repealed.

16           Sec. 13. Since an emergency exists, this act takes effect  
17 when passed and approved according to law.