

AMENDMENTS TO LB920  
(Amendments to E & R amendments, ER231)

Introduced by Murman, 38.

1           1. Strike sections 3, 50, 51, and 52 and insert the following new  
2 sections:

3           Sec. 5. Section 79-254, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5           79-254 Sections 79-254 to 79-294 and sections 7 and 8 of this act  
6 shall be known and may be cited as the Student Discipline Act.

7           Sec. 6. Section 79-258, Revised Statutes Supplement, 2019, is  
8 amended to read:

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

21           Sec. 7. (1) Teachers and other school personnel may use reasonable  
22 physical intervention to safely manage the behavior of a student to:

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

25           (b) Secure property in the possession of such student if the  
26 possession of such property by such student poses a threat of physical

1 injury to such student, another student, a teacher or other school  
2 personnel, or another person.

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

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

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

18 Sec. 8. (1) Each school district shall have a policy that describes  
19 the process of removing a student from a class and returning a student to  
20 a class. Such policy shall: (a) Describe how and when a student may be  
21 removed from a class and returned to a class; (b) use a discipline  
22 process that is proactive, instructive, and restorative; (c) require  
23 appropriate communication between administrators, teachers or other  
24 school personnel, students, and parents or guardians. Such policy shall  
25 be made available to the public.

26 (2) Unless prohibited by the federal Individuals with Disabilities  
27 Education Act, 20 U.S.C. 1400 et seq., or a plan developed pursuant to  
28 section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, as such  
29 acts existed on January 1, 2020, an administrator or administrator's  
30 designee shall immediately remove a student from a class upon request by  
31 a teacher or other school personnel if such teacher or other school

1 personnel has followed school policy in requesting the removal of such  
2 student.

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

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

14 Sec. 9. Section 79-2,144, Revised Statutes Cumulative Supplement,  
15 2018, is amended to read:

16 79-2,144 The state school security director appointed pursuant to  
17 section 79-2,143 shall be responsible for providing leadership and  
18 support for safety and security for the public schools. Duties of the  
19 director include, but are not limited to:

20 (1) Collecting safety and security plans, required pursuant to rules  
21 and regulations of the State Department of Education relating to  
22 accreditation of schools, and other school security information from each  
23 school system in Nebraska. School districts shall provide the state  
24 school security director with the safety and security plans of the school  
25 district and any other security information requested by the director,  
26 but any plans or information submitted by a school district may be  
27 withheld by the department pursuant to subdivision (8) of section  
28 84-712.05;

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

31 (3) Conducting an assessment of the security of each public school

1 building, which assessment shall be completed by August 31, 2019;

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

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

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

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

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

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

18 (10) ~~(9)~~ Responding to inquiries and requests for assistance  
19 relating to school security from private, denominational, and parochial  
20 schools; and

21 (11) ~~(10)~~ Recommending curricular and extracurricular materials to  
22 assist school districts in preventing and responding to cyberbullying and  
23 digital citizenship issues.

24 Sec. 10. Section 79-2,146, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 79-2,146 (1)(a) ~~(1)~~ Beginning in school year 2015-16, all public  
27 school nurses, teachers, counselors, school psychologists,  
28 administrators, school social workers, and any other appropriate  
29 personnel shall receive at least one hour of suicide awareness and  
30 prevention training each year. This training shall be provided within the  
31 framework of existing inservice training programs offered by the State

1 Department of Education or as part of required professional development  
2 activities.

3 (b) (2) The department, in consultation with organizations  
4 including, but not limited to, the Nebraska State Suicide Prevention  
5 Coalition, the Nebraska chapter of the American Foundation for Suicide  
6 Prevention, the Behavioral Health Education Center of Nebraska, the  
7 National Alliance on Mental Illness Nebraska, and other organizations and  
8 professionals with expertise in suicide prevention, shall develop a list  
9 of approved training materials to fulfill the requirements of subsection  
10 (1) of this section. Such materials shall include training on how to  
11 identify appropriate mental health services, both within the school and  
12 also within the larger community, and when and how to refer youth and  
13 their families to those services. Such materials may include programs  
14 that can be completed through self-review of suitable suicide prevention  
15 materials.

16 (2)(a) Prior to the end of school year 2023-24, each school district  
17 shall ensure that administrators, teachers, paraprofessionals, school  
18 nurses, and counselors receive behavioral awareness and intervention  
19 training. Each school district may provide such training, or similar  
20 training, to any other school employees at the discretion of the school  
21 district. In addition, all school employees shall have a basic awareness  
22 of the goals, strategies, and schoolwide plans included in such training.

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

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

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

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

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

6        (iv) Clear guidelines on removing students from and returning  
7 students to a class;

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

10       (vi) Physical intervention for safety.

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

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

26       (b) Each school district shall maintain or have access to an  
27 existing registry of local mental health and counseling resources. The  
28 registry shall include resource services that can be accessed by families  
29 and individuals outside of school. Each behavioral awareness and  
30 intervention point of contact shall coordinate access to support services  
31 for students whenever possible. Except as provided in section 43-2101, if

1 information for an external support service is provided to an individual  
2 student, school personnel shall notify a parent or guardian of such  
3 student in writing unless law enforcement or child protective services is  
4 involved. Each school district shall indicate each behavioral awareness  
5 and intervention point of contact for such school district on the web  
6 site of the school district and in any school directory for the school  
7 that the behavioral awareness and intervention point of contact serves.

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

16 (b) Behavioral awareness and intervention training required pursuant  
17 to this section shall be funded with behavioral training funding from the  
18 Behavioral Training Cash Fund pursuant to section 23 of this act. Any  
19 school district that fails to file the behavioral awareness and  
20 intervention training report required pursuant to subdivision (4)(a) of  
21 this section with the state school security director or that is found to  
22 be in noncompliance with the requirements of this section shall not  
23 receive behavioral training funding pursuant to section 23 of this act  
24 for such school year.

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

29 (5) ~~(3)~~ The department may adopt and promulgate rules and  
30 regulations to carry out this section.

31 Sec. 11. The Behavioral Training Cash Fund is created. The fund

1 shall be administered by the State Department of Education and shall  
2 consist of money received pursuant to section 9-812 and any money  
3 appropriated by the Legislature. The department shall distribute money in  
4 the fund as behavioral training funding pursuant to section 23 of this  
5 act to school districts for behavioral awareness and intervention  
6 training required pursuant to section 79-2,146. Any money in the fund  
7 available for investment shall be invested by the state investment  
8 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
9 State Funds Investment Act.

10       Sec. 22. Section 79-1001, Revised Statutes Cumulative Supplement,  
11 2018, is amended to read:

12       79-1001 Sections 79-1001 to 79-1033 and section 23 of this act shall  
13 be known and may be cited as the Tax Equity and Educational Opportunities  
14 Support Act.

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

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

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

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

31       (a) Three additional training reimbursement units for each school



1 with a full-time teacher equivalent greater than or equal to two hundred  
2 forty teachers;

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

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

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

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

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

1 funding.

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

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

8 Sec. 59. Sections 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18,  
9 19, 20, 21, 23, 26, 31, 33, 34, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45,  
10 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 59, and 61 of this act become  
11 operative on July 1, 2021. The other sections of this act become  
12 operative on their effective date.

13 Sec. 60. Original sections 79-2,146, 79-8,124, 79-8,125, 79-8,126,  
14 79-8,128, 79-8,131, 79-8,132, 79-8,133, 79-8,135, 79-8,138, 79-8,139,  
15 79-8,140, 79-1064, and 85-2101, Reissue Revised Statutes of Nebraska,  
16 sections 9-836.01, 79-2,144, 79-759, 79-8,134, 79-8,137, 79-8,137.01,  
17 79-8,137.02, 79-8,137.03, 79-8,137.04, 79-8,137.05, 79-2505, 85-1412, and  
18 85-2009, Revised Statutes Cumulative Supplement, 2018, and section  
19 84-304, Revised Statutes Supplement, 2019, are repealed.

20 Sec. 61. Original sections 79-254 and 79-1201.01, Reissue Revised  
21 Statutes of Nebraska, sections 9-812, 79-1001, 79-1054, 79-1104.02,  
22 79-1337, 79-2503, 79-2506, and 85-1920, Revised Statutes Cumulative  
23 Supplement, 2018, and sections 79-258 and 79-1003, Revised Statutes  
24 Supplement, 2019, are repealed.

25 2. Renumber the remaining sections and correct internal references  
26 accordingly.