

AMENDMENTS TO LB529

(Amendments to Standing Committee amendments, AM495)

Introduced by Murman, 38.

1 1. Insert the following new sections:

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

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

6 (b) Secure property in the possession of such student if the  
7 possession of such property by such student poses a threat of physical  
8 injury to such student, another student, a teacher or other school  
9 personnel, or another person.

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

14 (3) Following the use of physical intervention pursuant to this  
15 section, a teacher or other school personnel shall contact and notify the  
16 affected parent or guardian of the use of physical intervention.

17 (4) No teacher or other school personnel shall be subject to  
18 professional or administrative discipline if such physical intervention  
19 was reasonable. Nothing in this section shall be construed to limit any  
20 defense that may be available under any provision of law, including, but  
21 not limited to, any defense relating to self-protection or the protection  
22 of others.

23 Sec. 8. (1) Beginning in school year 2021-22, each school district  
24 shall have a policy that describes the process of removing a student from  
25 a class and returning a student to a class. Such policy shall: (a)  
26 Describe how and when a student may be removed from a class and returned

1 to a class; (b) prescribe a discipline process that is proactive,  
2 instructive, and restorative; and (c) require appropriate communication  
3 between administrators, teachers or other school personnel, students, and  
4 parents or guardians. Such policy shall be made available to the public.

5 (2) Unless prohibited by the federal Individuals with Disabilities  
6 Education Act, 20 U.S.C. 1400 et seq., or a plan developed pursuant to  
7 section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, as such  
8 acts existed on January 1, 2021, an administrator or administrator's  
9 designee shall immediately remove a student from a class upon request by  
10 a teacher or other school personnel if such teacher or other school  
11 personnel has followed school policy in requesting the removal of such  
12 student.

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

19 (4) No teacher or other school personnel shall be subject to  
20 professional or administrative discipline if such teacher or other school  
21 personnel acted in a reasonable manner and in accordance with school  
22 policy.

23 Sec. 9. The State Department of Education may adopt and promulgate  
24 rules and regulations to carry out the Behavioral Awareness and  
25 Intervention Training and Teacher Support Act.

26 Sec. 10. Section 79-258, Revised Statutes Cumulative Supplement,  
27 2020, is amended to read:

28 79-258 Administrative and teaching personnel may take actions  
29 regarding student behavior, other than those specifically provided in the  
30 Behavioral Awareness and Intervention Training and Teacher Support Act  
31 and the Student Discipline Act, which are reasonably necessary to aid the

1 student, further school purposes, or prevent interference with the  
2 educational process. Such actions may include, but need not be limited  
3 to, counseling of students, parent conferences, referral to restorative  
4 justice practices or services, rearrangement of schedules, requirements  
5 that a student remain in school after regular hours to do additional  
6 work, restriction of extracurricular activity, or requirements that a  
7 student receive counseling, psychological evaluation, or psychiatric  
8 evaluation upon the written consent of a parent or guardian to such  
9 counseling or evaluation.

10 Sec. 11. Section 79-2,144, Revised Statutes Cumulative Supplement,  
11 2020, is amended to read:

12 79-2,144 The state school security director appointed pursuant to  
13 section 79-2,143 shall be responsible for providing leadership and  
14 support for safety and security for the public schools. Duties of the  
15 director include, but are not limited to:

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

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

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

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

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

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

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

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

11 (9) Collecting behavioral awareness and intervention training plans  
12 and certifying compliance or noncompliance with section 4 of this act to  
13 the Commissioner of Education for each school district;

14 (10) ~~(9)~~ Responding to inquiries and requests for assistance  
15 relating to school security from private, denominational, and parochial  
16 schools; and

17 (11) ~~(10)~~ Recommending curricular and extracurricular materials to  
18 assist school districts in preventing and responding to cyberbullying and  
19 digital citizenship issues.

20 Sec. 21. Section 79-1001, Revised Statutes Cumulative Supplement,  
21 2020, is amended to read:

22 79-1001 Sections 79-1001 to 79-1033 and section 23 of this act shall  
23 be known and may be cited as the Tax Equity and Educational Opportunities  
24 Support Act.

25 Sec. 23. (1) For school fiscal year 2021-22 and each school fiscal  
26 year thereafter, using data from the fall personnel report filed pursuant  
27 to section 79-804 for the immediately preceding school fiscal year, each  
28 school district shall receive funding for behavioral awareness and  
29 intervention training paid from the Behavioral Training Cash Fund for  
30 each school within such school district that has any grade above  
31 kindergarten, including, but not limited to, a special education school,

1 an alternative school, or a focus school.

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

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

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

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

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

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

20 (5) The amount to be paid for each additional training reimbursement  
21 unit for each school fiscal year shall equal the ratio of (a) the  
22 difference of the amount available for distribution in the Behavioral  
23 Training Cash Fund on August 10 immediately preceding such school fiscal  
24 year minus the total of the base training reimbursements for all school  
25 districts divided by (b) the total additional training reimbursement  
26 units for all school districts.

27 (6) For any school fiscal year when the amount available for  
28 distribution in the Behavioral Training Cash Fund on August 10  
29 immediately preceding such school fiscal year is less than the total of  
30 the base training reimbursements for all schools as calculated pursuant  
31 to subsection (3) of this section, the base training reimbursements shall

1 be reduced proportionally such that the total of the base training  
2 reimbursements for all schools equals the amount available for  
3 distribution. Payment shall not be made for any additional training  
4 reimbursement units pursuant to subsections (4) and (5) of this section  
5 for such school fiscal year.

6 (7) For school fiscal year 2021-22, each school district shall  
7 qualify for behavioral training funding. For school fiscal year 2022-23  
8 and each school fiscal year thereafter, each school district in  
9 compliance with the behavioral awareness and intervention training  
10 requirements provided in section 4 of this act, as certified by the state  
11 school security director, shall be eligible for behavioral training  
12 funding.

13 (8) Funds received from the Behavioral Training Cash Fund pursuant  
14 to this section shall be considered special grant funds and shall not be  
15 included in the calculation of formula resources pursuant to section  
16 79-1017.01.

17 (9) Behavioral training funding shall be distributed directly to  
18 school districts from the Behavioral Training Cash Fund in the same  
19 manner as and in conjunction with funds distributed pursuant to section  
20 79-1022.

21 Sec. 24. Section 79-1022, Revised Statutes Cumulative Supplement,  
22 2020, is amended to read:

23 79-1022 (1) On or before June 10, 2021 ~~May 1, 2020~~, and on or before  
24 March 1 of each year thereafter, the department shall determine the  
25 amounts to be distributed to each local system for the ensuing school  
26 fiscal year pursuant to the Tax Equity and Educational Opportunities  
27 Support Act and shall certify the amounts to the Director of  
28 Administrative Services, the Auditor of Public Accounts, and each local  
29 system. On or before June 10, 2021 ~~May 1, 2020~~, and on or before March 1  
30 of each year thereafter, the department shall report the necessary  
31 funding level for the ensuing school fiscal year to the Governor, the

1 Appropriations Committee of the Legislature, and the Education Committee  
2 of the Legislature. The report submitted to the committees of the  
3 Legislature shall be submitted electronically. Except as otherwise  
4 provided in this subsection, certified state aid amounts, including  
5 adjustments pursuant to section 79-1065.02, shall be shown as budgeted  
6 non-property-tax receipts and deducted prior to calculating the property  
7 tax request in the local system's general fund budget statement as  
8 provided to the Auditor of Public Accounts pursuant to section 79-1024.

9 (2) Except as provided in this subsection, subsection (8) of section  
10 79-1016, and sections 79-1005, 79-1033, and 79-1065.02, the amounts  
11 certified pursuant to subsection (1) of this section shall be distributed  
12 in ten as nearly as possible equal payments on the last business day of  
13 each month beginning in September of each ensuing school fiscal year and  
14 ending in June of the following year, except that when a local system is  
15 to receive a monthly payment of less than one thousand dollars, such  
16 payment shall be one lump-sum payment on the last business day of  
17 December during the ensuing school fiscal year.

18 Sec. 25. Section 79-1022.02, Revised Statutes Cumulative Supplement,  
19 2020, is amended to read:

20 79-1022.02 Notwithstanding any other provision of law, any  
21 certification of state aid pursuant to section 79-1022, ~~certification of~~  
22 ~~budget authority pursuant to section 79-1023, and certification of~~  
23 ~~applicable allowable reserve percentages pursuant to section 79-1027~~  
24 completed prior to the operative date of this section February 13, 2020,  
25 for school fiscal year 2021-22 ~~is 2020-21~~ are null and void.

26 Sec. 26. Section 79-1031.01, Revised Statutes Cumulative Supplement,  
27 2020, is amended to read:

28 79-1031.01 The Appropriations Committee of the Legislature shall  
29 annually include the amount necessary to fund the state aid that will be  
30 certified to school districts on or before June 10, 2021 ~~May 1, 2020,~~ and  
31 on or before March 1 of each year thereafter for each ensuing school

1 fiscal year in its recommendations to the Legislature to carry out the  
2 requirements of the Tax Equity and Educational Opportunities Support Act.

3 Sec. 73. Original sections 9-812, 79-258, 79-2,144, 79-1001,  
4 79-1022, 79-1022.02, and 79-1031.01, Revised Statutes Cumulative  
5 Supplement, 2020, are repealed.

6 2. On page 7, line 27, strike "6" and insert "9"; and strike  
7 beginning with "the" in line 30 through "(i)" in line 31 and insert "each  
8 school district shall".

9 3. On page 8, strike beginning with "statewide" in line 1 through  
10 "system" in line 3 and insert "to such school district's administrators,  
11 teachers, paraprofessionals, school nurses, and counselors"; after line  
12 13 insert the following new subdivision:

13 "(c) Any protections and defenses found in the Behavioral Awareness  
14 and Intervention Training and Teacher Support Act shall not be made  
15 contingent on whether or not an employee of a school district has  
16 completed behavioral awareness and intervention training."; in line 14  
17 strike "(c)" and insert "(d)"; in line 21 strike the second "and"; after  
18 line 21 insert the following new subdivisions:

19 "(iv) Clear guidelines on removing students from and returning  
20 students to a class;

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

23 "(vi) Physical intervention for safety; and"; in line 22 strike  
24 "(iv)" and insert "(vii)"; and after line 31 insert the following new  
25 subdivision:

26 "(e) In addition to the requirements contained in subdivision (1)(d)  
27 of this section, behavioral awareness and intervention training shall be  
28 consistent with the Behavioral Awareness and Intervention Training and  
29 Teacher Support Act, include an awareness of the protections for school  
30 personnel found in the act, include an awareness of the requirement for  
31 written consent of a parent or guardian pursuant to section 79-258, and



1 include the identification and role of each employee designated as a  
2 behavioral awareness point of contact."

3 4. On page 9, lines 3 and 4 and 8, strike "Educational Service Unit  
4 Coordinating Council" and insert "state school security director"; in  
5 line 5 strike the second "and" and insert an underscored comma; in line 6  
6 after "section" insert ", and provide any other information required by  
7 rules and regulations adopted and promulgated pursuant to section 9 of  
8 this act"; in line 17 strike "with funding" and after "Fund" insert  
9 "pursuant to section 23 of this act".

10 5. On page 10, line 12, strike the comma and insert "and"; strike  
11 beginning with the comma in line 14 through "Act" in line 17; and in line  
12 17 after the period insert "The department shall distribute money in the  
13 fund pursuant to section 23 of this act to school districts for  
14 behavioral awareness and intervention training required pursuant to  
15 section 4 of this act.".

16 6. On page 70, line 27, strike "35 to 59" and insert "45 to 69"; and  
17 in line 29 strike "This act becomes" and insert "Sections 2, 12, 13, 14,  
18 15, 16, 17, 18, 19, 20, 22, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37,  
19 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55,  
20 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 72, and 74 of  
21 this act become" and after the period insert "The other sections of this  
22 act become operative on their effective date."

23 7. Renumber the remaining sections and correct internal references  
24 and the repealer accordingly.