

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 463

Introduced by Ballard, 21.

Read first time January 21, 2025

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to schools; to amend sections 79-2,144,
2 79-3101, 79-3103, 79-3105, 79-3108, and 79-3109, Reissue Revised
3 Statutes of Nebraska, and section 68-996, Revised Statutes
4 Cumulative Supplement, 2024; to change the eligible uses of the
5 Medicaid Managed Care Excess Profit Fund; to change provisions
6 relating to the powers and duties of the state school security
7 director; to change provisions of the School Safety and Security
8 Reporting Act and require school districts to develop a cardiac
9 emergency response plan as prescribed; to change provisions relating
10 to the School Safety and Security Fund; to provide powers and duties
11 to the State Department of Education to provide grants to school for
12 costs associated with a cardiac emergency response plan; to
13 harmonize provisions; and to repeal the original sections.
14 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 68-996, Revised Statutes Cumulative Supplement,
2 2024, is amended to read:

3 68-996 (1) The Medicaid Managed Care Excess Profit Fund is created.
4 The fund shall contain money returned to the State Treasurer pursuant to
5 subdivision (3) of section 68-995.

6 (2) The fund shall first be used to offset any losses under
7 subdivision (2) of section 68-995 and then to provide for (a) services
8 addressing the health needs of adults and children under the Medical
9 Assistance Act, including filling service gaps, (b) providing system
10 improvements, (c) providing evidence-based early intervention home
11 visitation programs, (d) providing medical respite services, (e)
12 translation and interpretation services, (f) providing coverage for
13 continuous glucose monitors as described in section 68-911, (g) providing
14 other services sustaining access to care, (h) services under the Nebraska
15 Prenatal Plus Program, (i) and providing grants pursuant to the
16 Intergenerational Care Facility Incentive Grant Program, and (j) grants
17 for costs associated with a cardiac emergency response plan pursuant to
18 section 7 of this act, as determined by the Legislature. The fund shall
19 only be used for the purposes described in this section.

20 (3) Any money in the fund available for investment shall be invested
21 by the state investment officer pursuant to the Nebraska Capital
22 Expansion Act and the Nebraska State Funds Investment Act. Beginning
23 October 1, 2024, any investment earnings from investment of money in the
24 fund shall be credited to the General Fund.

25 **Sec. 2.** Section 79-2,144, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 79-2,144 The state school security director appointed pursuant to
28 section 79-2,143 shall be responsible for providing leadership and
29 support for safety and security for the public schools. Duties of the
30 director include, but are not limited to:

31 (1) Collecting safety and security plans, required pursuant to rules

1 and regulations of the State Department of Education relating to
2 accreditation of schools, and other school security information from each
3 school system in Nebraska. School districts shall provide the state
4 school security director with the safety and security plans of the school
5 district and any other security information requested by the director,
6 but any plans or information submitted by a school district may be
7 withheld by the department pursuant to subdivision (9) of section
8 84-712.05;

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

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

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

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

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

21 (7) Overseeing behavioral and mental health training, with a focus
22 on suicide awareness and prevention in public schools pursuant to section
23 79-2,146;

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

27 (9) Responding to inquiries and requests for assistance relating to
28 school security from private, denominational, and parochial schools;

29 (10) Recommending curricular and extracurricular materials to assist
30 school districts in preventing and responding to cyberbullying and
31 digital citizenship issues; and

1 (11) Establishing a cardiac emergency response plan template for use
2 by schools in developing a plan to respond in the event of a sudden
3 cardiac arrest on school grounds or at any school sponsored activity or
4 event pursuant to section 6 of this act. The cardiac emergency response
5 plan template shall integrate core elements established by the American
6 Heart Association or other nationally recognized cardiovascular care
7 organizations for response in the event of a cardiac arrest, and shall at
8 a minimum include the following requirements:

9 (a) Establishment of a school cardiac emergency response team;

10 (b) Activation of the cardiac emergency response team when an
11 individual experiences sudden cardiac arrest on school grounds or at a
12 school sponsored activity or event;

13 (c) Placement of automated external defibrillators on school
14 grounds;

15 (d) Routine maintenance of automated external defibrillators;

16 (e) Distribution of the cardiac emergency response plan on school
17 grounds;

18 (f) Stipulation of appropriate school personnel to receive training,
19 including licensed coaches, school nurses, and athletic trainers;

20 (g) Training of stipulated school personnel and the cardiac
21 emergency response team in first aid, cardiopulmonary resuscitation, and
22 automated external defibrillator use;

23 (h) Annual practice by faculty and students of the cardiac emergency
24 response plan using drills;

25 (i) Coordination with local emergency medical services providers;
26 and

27 (j) Annual review and evaluation of the cardiac emergency response
28 plan by the school board of the school district; and

29 (12) ~~(11)~~ Carrying out the department's responsibilities under the
30 School Safety and Security Reporting System Act.

31 **Sec. 3.** Section 79-3101, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 79-3101 Sections 79-3101 to 79-3107 and sections 6 and 7 of this act
3 shall be known and may be cited as the School Safety and Security
4 Reporting System Act.

5 **Sec. 4.** Section 79-3103, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 79-3103 For purposes of the School Safety and Security Reporting
8 System Act:

9 (1) Cardiac emergency response plan means a written document
10 establishing the specific steps to reduce the chance of death from
11 cardiac arrest developed by a school district pursuant to section 6 of
12 this act, which shall include the core elements established by the
13 American Heart Association or other cardiovascular care organizations for
14 response in the event of a cardiac arrest;

15 (2) Cardiac emergency response team means a school-based team of
16 members who have automated external defibrillator and cardiopulmonary
17 resuscitation training and are designated to respond to and provide basic
18 life support during a cardiac emergency. Team members shall have
19 different assigned roles, which may vary for each school district. Team
20 members include, but are not limited to, the principal or principal's
21 designee, a health care professional, and a member of the school staff;

22 (3) (1) Concerning behavior includes, but is not limited to,
23 suicide, bullying, stalking behavior, cyber or electronic harassment,
24 bomb threat, family violence, physical or sexual abuse, threat to
25 property, behavior indicative of terrorism, assault or attack,
26 inappropriate weapons use, concern about mental health or substance use,
27 sexual exploitation or predation, and any direct or indirect threatening
28 statement;

29 (4) (2) Department means the State Department of Education or the
30 state school security director;

31 (5) (3) Mental health professional means a school psychologist,

1 social worker, or licensed mental health professional;

2 (6) ~~(4)~~ Report line staff means the staff of the Safe2HelpNE report
3 line as provided in subsection (4) of section 79-3104;

4 (7) ~~(5)~~ Safe2HelpNE report line means the reporting system
5 established pursuant to section 79-3104;

6 (8) ~~(6)~~ Threat assessment means an evidence-based process to reduce
7 potential risks and incidents of violence resulting in harm to one or
8 more persons or school property; and

9 (9) ~~(7)~~ Threat assessment team means a school-based team of at least
10 five members who have completed the training required pursuant to section
11 79-3105 and includes, but is not limited to, the principal or principal's
12 designee, a mental health professional, and a member of the school staff.

13 **Sec. 5.** Section 79-3105, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 79-3105 (1) The department shall provide training for the members of
16 any threat assessment team serving a public or nonpublic school. Such
17 training shall provide the knowledge and skill to allow threat assessment
18 teams to work collaboratively to conduct threat assessments, engage in
19 crisis intervention, increase awareness of concerning behavior among
20 school staff, students, and the public, and interrupt violence in the
21 planning stage to thwart potential harm to persons and property. Such
22 training shall be reasonable in length.

23 (2) The department shall provide training for the members of any
24 cardiac emergency response team serving a public or nonpublic school.
25 Such training shall provide the knowledge and skill to allow cardiac
26 emergency response teams to work collaboratively to react in the case of
27 a sudden cardiac arrest among school staff, students, and the public.
28 Such training shall be reasonable in length.

29 **Sec. 6.** (1) For purposes of this section:

30 (a) Automated external defibrillator means a lightweight, portable
31 device capable of delivering an electric shock through an individual's

1 chest to the individual's heart, which is used in the event of a cardiac
2 arrest to attempt to stop an irregular heartbeat and allow a normal
3 rhythm to resume; and

4 (b) Cardiac arrest means a life-threatening event in which an
5 individual's heart unexpectedly stops beating.

6 (2) Beginning in school year 2026-27, each school district shall:

7 (a) Develop and adopt a cardiac emergency response plan using the
8 template developed by the state school security director pursuant to
9 section 79-2,144 for use by school personnel when an individual
10 experiences sudden cardiac arrest on school grounds or at a school
11 sponsored activity or athletic event;

12 (b) Place automated external defibrillators on school grounds at
13 locations and in a manner consistent with the guidelines established by
14 the American Heart Association or another nationally recognized
15 organization focused on emergency cardiovascular care;

16 (c) Place an automated external defibrillator in an easily
17 accessible location onsite at each school athletic venue when a school
18 sponsored activity or athletic event is taking place;

19 (d) Identify each automated external defibrillator with appropriate
20 signage; and

21 (e) Ensure each automated external defibrillator available on school
22 grounds or at a school athletic venue as required pursuant to this
23 section is in an unlocked location that allows the automated external
24 defibrillator to be retrieved and placed on an individual experiencing
25 cardiac arrest in fewer than three minutes.

26 (3) An approved or accredited nonpublic school may develop and adopt
27 a cardiac emergency response plan using the template developed by the
28 state school security director pursuant to section 79-2,144.

29 **Sec. 7.** (1) The State Department of Education shall develop a grant
30 program to provide grants to school districts for costs associated with
31 the development and implementation of a cardiac emergency response plan

1 required pursuant to section 6 of this act.

2 (2) A school district may apply to the department, in a manner
3 prescribed by the department, for a grant to develop and implement a
4 cardiac emergency response plan. Such application shall include:

5 (a) The name of the school district and a contact person;

6 (c) The amount of funds requested and the use of such funds; and

7 (d) Any other information the department may require.

8 (3) Subject to available funding, the State Department of Education
9 shall provide grants to school districts pursuant to this section. Such
10 grants shall be funded using funds from the Medicaid Managed Care Excess
11 Profit Fund. The department shall develop a priority system for awarding
12 grants, with first priority to school districts that receive Title I
13 funds pursuant to the federal Every Student Succeeds Act, 20 U.S.C. 6301
14 et seq. The total amount of grants provided pursuant to this section
15 shall not exceed one million five hundred thousand dollars.

16 **Sec. 8.** Section 79-3108, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 79-3108 (1) The Commissioner of Education shall create and
19 administer a competitive grant program to provide funding to school
20 districts and to educational service units on behalf of approved or
21 accredited nonpublic schools for safety and security-related
22 infrastructure projects. Such qualifying projects may include, but are
23 not limited to, surveillance equipment, door-locking systems, and double-
24 entry doors for school buildings. Subject to available appropriations,
25 the State Department of Education shall provide a grant to any school
26 district or educational service unit that applies for such grant for use
27 in funding qualifying projects.

28 (2)(a) A school district may apply to the State Department of
29 Education for a grant on forms and in a manner prescribed by the
30 Commissioner of Education. A school district receiving a grant under this
31 section shall divide the use of grant funds as evenly as possible among

1 all eligible school buildings within such district.

2 (b) An educational service unit may apply to the State Department of
3 Education for a grant on forms and in a manner prescribed by the
4 Commissioner of Education for use in funding qualifying projects at
5 approved or accredited nonpublic schools which contract with such
6 educational service unit on such qualifying projects. An approved or
7 accredited nonpublic school may apply to and contract with the
8 appropriate educational service unit in the school's area in a manner
9 prescribed by the educational service unit for purposes of funding
10 qualifying projects pursuant to this section.

11 (3)(a) On or before December 1 of each year that grants were issued
12 pursuant to this section, the State Department of Education shall provide
13 a report electronically to the Clerk of the Legislature relating to such
14 grants, which shall include, but need not be limited to:

15 (i) The number of schools that received grant funding, including
16 whether a school was public or nonpublic, the grades of students served
17 by such school, the number of students that attend such school, and the
18 geographic location of such school;

19 (ii) How the grant funds were used;

20 (iii) The average amount of grant funds received by schools broken
21 down by school student population size;

22 (iv) The number of schools that were denied grant funding and why;
23 and

24 (v) Any other information the State Department of Education deems
25 necessary.

26 (b) The report provided pursuant to subdivision (a) of this
27 subsection shall not identify any particular school.

28 (4) The State Board of Education may adopt and promulgate rules and
29 regulations to carry out this section.

30 (5) It is the intent of the Legislature to appropriate ten million
31 dollars from the School Safety and Security Fund to the State Department

1 of Education to administer the grant program pursuant to this section.

2 **Sec. 9.** Section 79-3109, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 79-3109 The School Safety and Security Fund is created. The fund
5 shall be administered by the State Department of Education and shall
6 consist of any money transferred by the Legislature and any gifts,
7 grants, or bequests. The department shall use money in the fund for
8 grants for safety and security-related infrastructure projects pursuant
9 to section 79-3108. Any money in the fund available for investment shall
10 be invested by the state investment officer pursuant to the Nebraska
11 Capital Expansion Act and the Nebraska State Funds Investment Act.
12 Beginning October 1, 2024, any investment earnings from investment of
13 money in the fund shall be credited to the General Fund.

14 **Sec. 10.** Original sections 79-2,144, 79-3101, 79-3103, 79-3105,
15 79-3108, and 79-3109, Reissue Revised Statutes of Nebraska, and section
16 68-996, Revised Statutes Cumulative Supplement, 2024, are repealed.