

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1377

Introduced by Walz, 15; at the request of the Governor.

Read first time January 17, 2024

Committee:

- 1 A BILL FOR AN ACT relating to education; to amend sections 79-2,141 and
2 79-2,145, Reissue Revised Statutes of Nebraska, sections 79-2704 and
3 79-3105, Revised Statutes Cumulative Supplement, 2022, and sections
4 79-262.01, 79-2,146, 79-3602, and 79-3603, Revised Statutes
5 Supplement, 2023; to provide and change requirements relating to
6 certain training as prescribed; to harmonize provisions; and to
7 repeal the original sections.
- 8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-262.01, Revised Statutes Supplement, 2023, is
2 amended to read:

3 79-262.01 (1) On or before July 1, 2025, the State Department of
4 Education shall develop and adopt a model policy relating to behavioral
5 intervention, behavioral management, classroom management, and removal of
6 a student from a classroom in school. The model policy shall include
7 appropriate training for school employees on behavioral intervention,
8 behavioral management, classroom management, and removal of a student
9 from a classroom in schools and how frequently such training shall be
10 required. The length of such training shall be a reasonable amount as
11 determined by each school board.

12 (2) On or before August 1, 2025, each school district shall develop
13 and adopt a policy consistent with or comparable to the model policy
14 developed by the State Department of Education pursuant to subsection (1)
15 of this section, which shall be a requirement for accreditation in
16 accordance with section 79-703. Such policy shall be filed with the
17 Commissioner of Education. The policy developed and adopted by a school
18 district pursuant to this subsection shall be included with any
19 notifications required under the Student Discipline Act.

20 (3)(a) Beginning in school year 2026-27, each school district shall
21 ensure that any school employee who has behavioral management
22 responsibilities participates in behavioral awareness and intervention
23 training consistent with the school district policy developed and adopted
24 in accordance with subsection (2) of this section. Such training shall be
25 provided by the school district or such school district's educational
26 service unit. The length of such training shall be a reasonable amount as
27 determined by the school board.

28 (b) Each school district shall, either independently, or through the
29 educational service unit of which such school district is a member,
30 develop and provide behavioral awareness and intervention training to
31 employees from such school who have behavioral management

1 responsibilities. If such training is provided by the educational service
2 unit, such training shall be available to any educational service unit
3 employee and any member school district employee that works in a school
4 and has behavioral management responsibilities. Such training shall be
5 consistent with the model policy developed by the State Department of
6 Education pursuant to subsection (1) of this section.

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

9 Sec. 2. Section 79-2,141, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 79-2,141 (1) On or before March 1, 2010, the department shall
12 develop and adopt a model dating violence policy to assist school
13 districts in developing policies for dating violence.

14 (2) On or before July 1, 2010, each school district shall develop
15 and adopt a specific policy to address incidents of dating violence
16 involving students at school, which shall be made a part of the
17 requirements for accreditation in accordance with section 79-703. Such
18 policy shall include a statement that dating violence will not be
19 tolerated.

20 (3) To ensure notice of a school district's dating violence policy,
21 the policy shall be published in any school district handbook, manual, or
22 similar publication that sets forth the comprehensive rules, procedures,
23 and standards of conduct for students at school.

24 (4) Each school district shall provide dating violence training to
25 staff deemed appropriate by a school district's administration. The
26 dating violence training shall include, but not be limited to, basic
27 awareness of dating violence, warning signs of dating violence, and the
28 school district's dating violence policy. The dating violence training
29 may be provided by any school district or combination of school
30 districts, an educational service unit, or any combination of educational
31 service units. The length of such training shall be a reasonable amount

1 as determined by each school board.

2 (5) Each school district shall inform the students' parents or legal
3 guardians of the school district's dating violence policy. If requested,
4 the school district shall provide the parents or legal guardians a copy
5 of the school district's dating violence policy and relevant information.

6 (6) This section does not prevent a victim of dating violence from
7 seeking redress under any other available law, either civil or criminal,
8 and does not create or alter any existing tort liability.

9 Sec. 3. Section 79-2,145, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 79-2,145 The State Board of Education, based on the recommendations
12 of the state school security director appointed pursuant to section
13 79-2,143, may adopt and promulgate rules and regulations establishing
14 minimum school security standards on or before July 1, 2016. Any rules or
15 regulations that create a training requirement shall ensure that such
16 training requirement shall be reasonable in length.

17 Sec. 4. Section 79-2,146, Revised Statutes Supplement, 2023, is
18 amended to read:

19 79-2,146 (1) Beginning in school year 2023-24, all public school
20 employees who interact with students and any other appropriate personnel,
21 as determined by the school superintendent, shall receive ~~at least one~~
22 ~~hour~~ of behavioral and mental health training with a focus on suicide
23 awareness and prevention training each year. The length of such training
24 shall be a reasonable amount as determined by each school board. Such
25 training may include, but need not be limited to, topics such as
26 identification of early warning signs and symptoms of behavioral and
27 mental health issues in students, appropriate and effective responses for
28 educators to student behavioral and mental health issues, trauma-informed
29 care, and procedures for making students and parents and guardians aware
30 of services and supports for behavioral and mental health issues. This
31 training shall be provided within the framework of existing inservice

1 training programs offered by the State Department of Education or as part
2 of required professional development activities.

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

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

18 Sec. 5. Section 79-2704, Revised Statutes Cumulative Supplement,
19 2022, is amended to read:

20 79-2704 Each memorandum of understanding required by section 79-2703
21 shall govern the use of school resource officers or security guards and
22 shall include, but not be limited to, policies that:

23 (1) Require each school resource officer or security guard to attend
24 a reasonable amount ~~minimum of twenty hours~~ of training, as determined by
25 each law enforcement agency, focused on school-based law enforcement,
26 including, but not limited to, coursework focused on school law, student
27 rights, understanding special needs students and students with
28 disabilities, conflict de-escalation techniques, ethics for school
29 resource officers, teenage brain development, adolescent behavior,
30 implicit bias training, diversity and cultural awareness, trauma-informed
31 responses, and preventing violence in school settings;

1 (2) Require a minimum of one administrator in each elementary or
2 secondary school, where a school resource officer or security guard is
3 assigned, to attend a reasonable amount ~~minimum of twenty hours~~ of
4 training, as determined by each school board, focused on school-based law
5 enforcement, including, but not limited to, coursework focused on school
6 law, student rights, understanding special needs students and students
7 with disabilities, conflict de-escalation techniques, ethics for school
8 resource officers and security guards, teenage brain development,
9 adolescent behavior, implicit bias training, diversity and cultural
10 awareness, trauma-informed responses, and preventing violence in school
11 settings;

12 (3) Ensure records are kept on each student referral for prosecution
13 from a school resource officer in response to an incident occurring at
14 school, on school grounds, or at a school-sponsored event and ensure that
15 such records allow for analysis of related data and delineate:

16 (a) The reason for such referral; and

17 (b) Federally identified demographic characteristics of such
18 student;

19 (4) Identify school policies that address when a parent or guardian
20 will be notified or present, in a language that such parent or guardian
21 understands, if a student is subjected to questioning or interrogation by
22 a school official or by a school resource officer or security guard
23 operating in conjunction with a school official;

24 (5) Identify the school or law enforcement agency policies that
25 address under what circumstances a student will be advised of
26 constitutional rights prior to being questioned or interrogated by a
27 school official or by a school resource officer or security guard
28 operating in conjunction with a school official;

29 (6) Identify the school policy required by section 79-262 that
30 addresses the type or category of student conduct or actions that will be
31 referred to law enforcement for prosecution and the type of student

1 conduct or actions that will be resolved as a disciplinary matter by a
2 school official and not subject to referral to law enforcement; and

3 (7) Identify a student and parent complaint process to express a
4 concern or file a complaint about a school resource officer or security
5 guard and the practices of such school resource officer or security guard
6 with the law enforcement agency or security agency.

7 Sec. 6. Section 79-3105, Revised Statutes Cumulative Supplement,
8 2022, is amended to read:

9 79-3105 The department shall provide training for the members of any
10 threat assessment team serving a public or nonpublic school. Such
11 training shall provide the knowledge and skill to allow threat assessment
12 teams to work collaboratively to conduct threat assessments, engage in
13 crisis intervention, increase awareness of concerning behavior among
14 school staff, students, and the public, and interrupt violence in the
15 planning stage to thwart potential harm to persons and property. Such
16 training shall be reasonable in length.

17 Sec. 7. Section 79-3602, Revised Statutes Supplement, 2023, is
18 amended to read:

19 79-3602 (1)(a) Beginning in school year 2024-25, the Educational
20 Service Unit Coordinating Council shall (i) ensure annual behavioral
21 awareness training is available statewide and (ii) develop, implement,
22 and administer an ongoing statewide teacher support system.

23 (b) Beginning in school year 2026-27, each school district shall
24 ensure that each administrator, teacher, paraprofessional, school nurse,
25 and counselor receives behavioral awareness training. The length of such
26 training shall be a reasonable amount as determined by each school board.

27 Each administrator, teacher, paraprofessional, school nurse, and
28 counselor who has received such training shall receive a behavioral
29 awareness training review at least once every three years. Each school
30 district may offer such training, or similar training, to any other
31 school employees at the discretion of the school district. In addition,

1 all school employees shall have a basic awareness of the goals,
2 strategies, and schoolwide plans included in such training.

3 (c) Behavioral awareness training shall include, but not be limited
4 to, evidence-based training on a continuum that includes:

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

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

9 (iii) Verbal intervention and de-escalation techniques.

10 (2)(a) On or before July 1, 2025, and on or before July 1 of each
11 year thereafter, each school district shall submit a behavioral awareness
12 training report to the Educational Service Unit Coordinating Council.
13 Such report shall include the school district behavioral awareness
14 training plan and summarize how such plan fulfills the requirements of
15 this section.

16 (b) On or before December 31, 2025, and each December 31 thereafter,
17 the Educational Service Unit Coordinating Council shall submit a report
18 electronically to the Education Committee of the Legislature summarizing
19 the behavioral awareness training reports received by school districts,
20 the various trainings provided across the state, the teacher support
21 system, and a financial report of funding received and expended in
22 accordance with the Behavioral Intervention Training and Teacher Support
23 Act.

24 (3)(a) Behavioral awareness training and the teacher support system
25 required pursuant to this section shall be funded from the Behavioral
26 Training Cash Fund.

27 (b) Any funding received by a school district for behavioral
28 awareness training under the Behavioral Intervention Training and Teacher
29 Support Act shall be considered special grant funds under section
30 79-1003.

31 Sec. 8. Section 79-3603, Revised Statutes Supplement, 2023, is

1 amended to read:

2 79-3603 (1) Each school district shall designate one or more school
3 employees as a behavioral awareness point of contact for each school
4 building or other division as determined by such school district. Each
5 behavioral awareness point of contact shall be trained in behavioral
6 awareness and shall have knowledge of community service providers and
7 other resources that are available for the students and families in such
8 school district. The length of such training shall be a reasonable amount
9 as determined by the school board.

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

23 Sec. 9. Original sections 79-2,141 and 79-2,145, Reissue Revised
24 Statutes of Nebraska, sections 79-2704 and 79-3105, Revised Statutes
25 Cumulative Supplement, 2022, and sections 79-262.01, 79-2,146, 79-3602,
26 and 79-3603, Revised Statutes Supplement, 2023, are repealed.