

LEGISLATURE OF NEBRASKA  
ONE HUNDRED NINTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 463**

Introduced by Ballard, 21.

Read first time January 21, 2025

Committee:

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.