



7521 Main Street, Suite 103  
Omaha, Nebraska 68127

(402) 597-3100  
www.voicesforchildren.com

#### **BOARD OF DIRECTORS**

Bruce Meyers  
*President*

Amy Boesen  
*Vice President*

Lorraine Chang, JD  
*Secretary*

Michael Beverly, Jr.  
*Treasurer*

Gary Bren  
Wes Cole, MBA  
Al Davis  
Noah Greenwald, JD  
Gatsby Gottsch Solheim, JD  
Eric Johnson  
Susan Mayberger, MA  
Melanie Morrissey Clark  
Edelweiss Rothe  
Dulce Sherman, MA  
John Stalnaker, JD  
Charlie Stephan  
Katie Weitz, PhD

Aubrey Mancuso, MSW  
*Executive Director*

January 24, 2020

Senator Groene, Chairman – Education Committee  
Room 1525, Nebraska State Capitol, Lincoln, NE 68509

#### **RE: Neutral letter of testimony regarding LB 998 – a bill to require behavioral awareness and intervention training and points of contact**

Dear Chairman Groene and Members of the Education Committee,

Our state’s future is determined by how we support the well-being of the next generation of Nebraskans. When we invest wisely and early in our children, we can best ensure that all children will be able to reach their full potential in adulthood. Voices for Children generally supports LB 998 because it acknowledges a rising need for mental and behavioral health supports among Nebraska’s children, and provides an investment in ensuring schools are better equipped to meet those needs. However, in its current form we are concerned that the training provisions are insufficient to protect against other forms of disciplinary overreach, and we are uncertain whether the funding identified is adequate to create a sustainable impact.

Adequate identification of and evidence-based response to behavioral and mental health needs ensures that children develop and function properly, and schools are the front line for any trauma or health issues students may be experiencing. By providing for evidence-based training in recognition of signs of trauma, positive behavior support and proactive teaching strategies, verbal intervention and de-escalation techniques, as well as clear guidelines on removal and intervention, LB 998 would equip education professionals with tools to better understand and respond to the underlying causes of student behavior. Moreover, we view the designation of a school employee as the “behavioral awareness and intervention point of contact” as an opportunity for schools to coordinate with parents and connect families to resources to ensure that children’s needs are met.

That said, we would urge the Committee to strike the language beginning on page 8, line 18, which reads, “(c) Any protections or defenses found in the Student Discipline Act shall not be made contingent on whether or not an employee of a school district has completed behavioral awareness and intervention training.” We are concerned that a law mandating training, which allows the use of physical intervention or removal with or without such training, would provide only illusory protection for children – training that is mandatory in name but not in force.

Additionally, the bill contemplates lottery funds and modifications to TEEOSA to create a Behavioral Training Cash Fund to support school districts in providing this annual training, as well as maintaining the behavioral awareness and intervention point of contact.

The base rate contemplated for this training is \$2,000 per school, but it is unclear to us whether such funding would be adequate to provide evidence-based training for the list of staff required to undertake it on an annual basis. Additionally, what amount of financial resources would go toward supporting the role of the behavioral awareness and intervention point of contact? We are also concerned with the removal of funding from districts found in noncompliance with reporting requirements laid out on page 10, and how such schools would continue to train staff without support from the fund. Since training is intended to protect children, a district's failure to comply with reporting requirements should not jeopardize the training received by staff in an area of such fundamental importance. Without adequate financial resourcing, any protections offered by LB 998's proposed training regimen would fall away.

Finally, because discussion of LB 998 has already been linked on the floor of the Legislature to LB 147, we feel obligated to comment on the connection here. By our reading, LB 998 is a more thoughtful response to the concerns teachers have raised about inadequate training and understanding of their role, responsibility, and legal protection when intervening for safety and how to handle students in crisis. We also see this bill as an appropriate step in investing in evidence-based, trauma-informed behavioral training in our schools with an emphasis on de-escalation and, potentially, as a vehicle to increase access to restorative practices statewide that keep students engaged in their class work in spite of adverse childhood experiences or behavioral health complications. However, coupling LB 998 with LB 147 would undercut those benefits and place a greater emphasis on the very last item on the list of training requirements: "(vi) physical intervention for safety." Moreover, the benefits of training outlined here would not go far enough to ameliorate our certainty that LB 147 will result in more physical confrontations, fewer de-escalations, and a greater use of exclusionary discipline and removal of students from their school environment overall, particularly students with disabilities and students of color.

LB 998, on its own and with the modifications we have suggested above, could be a sound step toward resolving concerns about school safety and the rising mental and behavioral health needs of students. We thank Senator Murman for his interest on this issue and this Committee for your work to ensure all students in Nebraska are able to receive an excellent education.

Sincerely,

A handwritten signature in cursive script that reads "Juliet Summers". The signature is written in black ink and is positioned below the word "Sincerely,".

Juliet Summers, Policy Coordinator