

**NEBRASKA DEPARTMENT
OF EDUCATION**

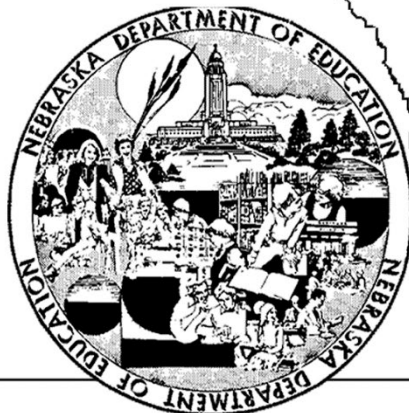
RULE 58

REGULATIONS FOR SECURITY-RELATED INFRASTRUCTURE GRANTS

**TITLE 92, NEBRASKA ADMINISTRATIVE CODE,
CHAPTER 58**

**EFFECTIVE DATE
MARCH 16, 2024**

**State of Nebraska
Department of Education
500 S. 84th Street, 2nd Floor
Lincoln, Nebraska 68510**



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CHAPTER 58 – REGULATIONS FOR SECURITY-RELATED INFRASTRUCTURE GRANTS

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001 General Information

001.01 Statutory Authority. This Chapter is adopted pursuant to Neb. Rev. Stat. §§ 79-318 and 79-3108.

001.02 Scope. This Chapter governs the issuance security-related infrastructure grants authorized pursuant to Neb. Rev. Stat. § 79-3108.

001.03 Related Regulations. In addition to the requirements of this Chapter, the funds of public school districts and educational service units are also governed by regulations contained in Title 92 Nebraska Administrative Code (NAC), Chapter 2, dealing with the Uniform System of Accounting; 92 NAC 8, dealing with School Finance & Budgeting/State Funding of Educational Service Units and Learning Communities, and 92 NAC 61, dealing with contested cases before the State Board of Education.

002 Definitions

002.01 Aggregate Percent means the number of students in the specified category divided by the total number of students for all schools based on formula students for the most recent certification of aid pursuant to the Tax Equity and Educational Opportunities Support Act for school districts or based on data from the most recently completed school year for nonpublic schools.

002.02 Assisted School means any school belonging to a school district that receives a grant pursuant to this Chapter or any nonpublic school that has entered into a contract for security-related infrastructure with an educational service unit that receives a grant pursuant to this Chapter based on the contract.

002.03 Commissioner means the State Commissioner of Education.

002.04 Contract for Security-Related Infrastructure means a contract between an educational service unit and a nonpublic school located within the boundaries of the educational service unit in which the educational service unit receives consideration from the nonpublic school in exchange for assistance from the educational service unit related to a security-related infrastructure project benefitting the students of the nonpublic school.

002.05 Department means the State Department of Education.

002.06 Nonpublic School means a nonpublic school approved pursuant to 92 NAC 14 (Rule 14) or accredited pursuant to 92 NAC 10 (Rule 10) by the State Board of Education.

002.07 Proposal means a request made to the Department for grant funding pursuant to this Chapter.

002.08 Qualifying Project means the purchase, installation, or improvement of:

002.08A Surveillance equipment;

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002.08B Door locking systems;

002.08C Double-entry doors for a school building;

002.08D Visitor management systems;

002.08E Ground lighting;

002.08F Safety film for glass in exterior doors and sidelights;

002.08G Hand-held radios to aid in communication during school situations;

002.08H Notification systems;

002.08I Control devices to restrict access to areas as needed for security purposes;

002.08J Screening devices;

002.08K Fencing to secure playgrounds;

002.08L Automatic external defibrillators;

002.08M Bleeding control kits; or

002.08N Other physical security equipment or security-related technology.

002.09 School means any school in a school district that submits a proposal or receives a grant pursuant to this Chapter or a nonpublic school that has entered into a contract for security-related infrastructure with an educational service unit that submits a proposal or receives a grant pursuant to this Chapter based on the contract.

002.10 Student means an individual enrolled in any grade kindergarten through grade 12 or in an early childhood education program of a school.

003 Qualifications

003.01 School Districts. Any school district may apply for a grant pursuant to this Chapter on behalf of all schools belonging to the school district.

003.02 Educational Service Units. An educational service unit that has entered into a contract for security-related infrastructure with a nonpublic school may apply for a grant to support the contract. The contract must outline the terms, conditions, expectations, and procedures for both parties that ensure grant funding received pursuant to this Chapter is used for the purposes stated in the grant proposal. Procedures included in the contract may include documentation requirements, deadlines, and other guidelines. An education service unit will submit a separate proposal for each nonpublic school for which the educational service unit has entered into a contract for security-related infrastructure and each such proposal will be evaluated by the panel independent of other proposals submitted by the same educational service unit.

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004 Proposals

004.01 Request for Proposals. The Department will issue a Request For Proposals (RFP) for new or expansion grants for school safety and security program during years in which grant funds are available. Each RFP issued pursuant to this section will state a deadline by which proposals must be received.

004.02 Proposal Requirements. Each qualifying proposal must be received by the Department on or before the deadline stated in the RFP and contain the following:

004.02A Needs Assessment Survey. The Needs Assessment Survey found in Appendix A of this Chapter;

004.02B Stakeholder Engagement. A description must be included of how stakeholders have been engaged in meaningful consultation regarding the safety and health of students at the local level. Stakeholders include the following subgroups as applicable: Students; families; school, district, and educational service unit administrators; teachers; classified staff; Tribal governments; civil rights organizations; and organizations and individuals representing the interests of students with disabilities, English learners, students experiencing homelessness, students in foster care, migratory students, students who are incarcerated, and other underserved students;

004.02C Data. Each qualifying proposal must include:

004.02C1 The aggregate percent of students who are in poverty as measured using poverty students as defined in Neb. Rev. Stat. § 79-1003(30) for school districts or, for nonpublic schools, the number of students qualifying for free lunches;

004.02C2 Data to support any assertion that a challenge from the previous three school years has increased the need for a security-related infrastructure grant. Examples of challenges include, but are not limited to, a recent disaster, a high rate of mental health needs (lack of mental health providers), chronic absenteeism, or a high rate of community or school violence;

004.02C3 The grade configuration of each school; and

004.02C4 The total number of students for each school based on formula students for the most recent certification of aid pursuant to the Tax Equity and Educational Opportunities Support Act for school districts or based on data from the most recently completed school year for nonpublic schools.

004.02D Program Narrative. A program narrative must describe:

004.02D1 How funds from the grant will support safe and healthy student outcomes;

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004.02D2 The rationale behind selecting the proposed project including the match to the needs assessment and the stakeholder feedback;

004.02D3 For school districts, how grant funds will be divided as evenly as possible among all schools in the school district; and

004.02D4 Any anticipated challenges for the implementation of the proposal and a plan to overcome the challenges;

004.02E Timeline. A timeline for the full implementation of the project is required;

004.02F Sustainability Plan. A description is required of plans to sustain the project after the grant funds have been expended;

004.02G Evaluation Plan. An evaluation plan to measure the impact of the project; and

004.02G Contract for Security-Related Infrastructure. For educational service units, the contract for security-related infrastructure.

005 Awarding of the Grants

005.01 Scoring Panel. The Commissioner will select nine individuals knowledgeable in school safety and security to serve on the scoring panel. The scoring panel will evaluate and score each proposal using a rubric developed by the panel and based on the requirements of the grant program. The panel will use the scores to determine which proposals meet the minimum qualification to make recommendations for the awarding of competitive grant amounts to the Commissioner.

005.02 Distribution of Award Amounts. Each proposal that meets the minimum qualifications will result in a base grant award of \$2,000 for each school. The remainder of the available funds after the awarding of base grants will be awarded on a competitive basis.

005.03 Final Determination. The Commissioner will make the final determinations on the awarding of the grants based on the recommendations of the scoring panel and the requirements of Neb. Rev. Stat. § 79-3108 and this Chapter.

006 Grant Funds

006.01 Special Grant Funds. Any grant funds awarded pursuant to this Chapter to a school district will be considered special grant funds and, therefore may be excluded from the general fund budget of expenditures pursuant to Neb. Rev. Stat. § 79-1003(20) and from the calculation of budget authority pursuant to Neb. Rev. Stat. § 79-1028.01(1)(m).

006.02 Use of Funds. Any grant funds awarded pursuant to this Chapter must be used for the purposes stated in the grant proposal or be returned to the Department.

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006.03 Duration of Funding. Any grant funds awarded pursuant to this Chapter must be obligated within one year of the date the funds were received by the school district or educational service unit or be returned to the Department.

007 Appeals

007.01 Commissioner Review. A school district or educational service unit that submits a proposal pursuant to this Chapter that is aggrieved by any decision of the Department in regard to its proposal may request in writing a review by the Commissioner of Education within fifteen (15) calendar days of its receipt of the Department's decision on the proposal. The Commissioner shall review the claim together with all other materials submitted in the applicant's proposal, the requirements of this Chapter, and state law. The Commissioner, within ninety (90) days of the Department's receipt of the claim, shall make a final written determination regarding the claim. A copy of the determination shall be mailed to the claimant, certified mail, return receipt requested.

007.02 Contested Case Hearing. If the claimant disagrees with the Commissioner's final written determination, it may request a hearing on the determination within fifteen (15) days following receipt of the determination pursuant to 92 NAC 61 (Rule 61).

008 Reports

008.01 Reporting Requirement. On or before December 1 of each calendar year that grants were issued pursuant to this Chapter, the Department will provide a report electronically to the Clerk of the Legislature. The report will not identify any particular school. The report will include, but not be limited to:

008.01A The total number of assisted schools;

008.01B The number of public assisted schools and the number of nonpublic assisted schools;

008.01D The number of assisted schools in each grade configuration;

008.01E The average amount of grant funds received by schools broken down by student population size ranges determined by the Department to avoid identifying any schools;

008.01F The number of schools in each of the student population size ranges used in subdivision 008.01E of this Chapter;

008.01G The number of schools in each geographic location as defined by the boundaries of the State Board of Education;

008.01H How the grant funds were used; and

008.01I The number of schools that were denied grant funding and the reasons why.

Appendix A

Needs Assessment Questions

1. Does each school have a written Emergency Operation Plan (EOP) or a plan to create one with this grant? (Y/N)
2. Does the school, school district, or educational service unit collaborate with Emergency Managers, Law Enforcement, and Fire/Rescue on EOP's? (Y/N)
3. Does each school participate in Safe2HelpNE or other anonymous report line services? (Y/N)
4. Does the school, school district, or educational service unit have a Threat Assessment Team? (Y/N)
5. Does the school district or educational service unit conduct prevention trainings on bullying/cyberbullying, substance use, suicide, digital or social media issues that each school is able to access? (Y/N)
6. Does each school use Standard Response Protocol (SRP) and Standard Reunification Method (SRM) procedures? (Y/N) If, yes is staff trained in SRP and SRM? (Y/N)
7. Does each school have a system or procedure in place for lockdowns? (Y/N)
8. Is the staff in each school adequately trained on how to activate a lockdown? (Y/N)
9. Is the staff in each school adequately trained on active shooter response? (Y/N)
10. Are all classrooms equipped with the necessary equipment or tools to communicate with the front office or other administrative staff? (Y/N)
11. Is there controlled access into each school during the school day? (Y/N)
12. Is there a secure vestibule that separates the main entry from full building access in each school? (Y/N)
13. Is there a video surveillance system with recording capability in use in each school? (Y/N)
14. Is there video coverage of all exterior doors for each school? (Y/N)
15. Is there a perimeter fence in place around all student play areas at each school? (Y/N)
16. Are there bollards or other barriers protecting school entrances from vehicular intrusion at each school? (Y/N)
17. Are all exterior school doors locked during school hours? (Y/N)
18. Are windows and sidelights in exterior doors of all schools outfitted with safety film? (Y/N)

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19. Does each school utilize a visitor management system to identify and track all school visitors during the school day? (Y/N)
20. Do all classroom doors have a door lock or door barricade device that can be locked from the inside? (Y/N)
21. Do all schools have working security alarm systems? (Y/N)
22. Does the school, school district, or educational service unit provide safety and security training for all staff, substitute teachers, and volunteers? (Y/N)
23. Do all schools have access to an Automated External Defibrillator (AED)? (Y/N)
24. Has the school, school district, or educational service unit conducted a vulnerability assessment in the past two years? (Y/N)
25. Do all schools have bleeding control kits readily available? (Y/N)
26. Do all schools have tourniquets readily available? (Y/N)

Short Answer Needs Assessment Questions

1. What security-infrastructure enhancement needs were sighted in the last annual school safety and security assessment conducted by a person not employed by the school system? (5000 maximum characters used)
2. What security-infrastructure needs have been achieved in the last 5 years to improve upon prevention, preparedness, response, & recovery? How was this project accomplished and what was the source of funding for this project(s)? (5000 maximum characters)
3. What will be the biggest safety and security challenge if not selected to receive grant funds? What other opportunities or resources will be needed to complete security-infrastructure? (5000 maximum characters)
4. Describe the current greatest strengths in security-infrastructure and the areas needing the most attention and why? Include the order of most to least need for all the security-infrastructure desires. (5000 maximum characters)

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**NEBRASKA DEPARTMENT OF EDUCATION ADMINISTRATIVE RULES
(TITLES 92 AND 93 NEBRASKA ADMINISTRATIVE CODE)
AS OF MARCH 14, 2024**

<u>CHAPTER NUMBER</u>	<u>SUBJECT</u>	<u>EFFECTIVE DATE</u>	<u>REVISION PENDING</u>
<u>TITLE 92</u>			
<u>SCHOOL OPERATION AND FINANCE</u>			
1	School Audit Procedures	11-01-2021	
2	Uniform System of Accounting	11-01-2021	
3	Identification of High Ability Learners	12-15-1998	
4	Private Student Book Loans	10-03-2016	
6	Sharing Student Data	11-04-2014	
8	School Finance & Budgeting/State Funding of ESUs and Learning Communities	12-26-2016	
<u>SCHOOL SYSTEM APPROVAL AND CURRICULUM</u>			
10	Accreditation of Schools	08-01-2015	X
11	Early Childhood Education Programs	03-23-2020	
13	Exempt Schools	05-21-2016	
14	Approved Nonpublic Schools	07-28-2012	X
15	Education of Students with Limited English Proficiency	05-08-2018	
17	Alternative Schools, Classes & Programs for Expelled Students	12-09-1997	
18	Interim-Program Schools	12-29-2003	
19	School Enrollment	06-06-2017	
<u>SCHOOL PERSONNEL</u>			
20	Teachers College Approval	07-02-2014	X
21	Teacher Certification	02-18-2024	
22	Master Teacher Program	01-02-2016	
24	Endorsements	11-09-2020	X
25	Attracting Excellence to Teaching Program	08-15-2016	
26	Mentor Teacher Program	08-04-1999	
27	Professional Practices Criteria	11-12-2003	
28	Non-Public Professional Practices & Investigations	12-25-1989	
29	State Board Review of Professional Practices Cases	12-25-1989	
<u>VOCATIONAL EDUCATION</u>			
41	Private Postsecondary Career Schools	11-08-2016	
42	Private Postsecondary Career Schools Agent	11-08-2016	
43	Private Postsecondary Schools Complaint & Investigation Procedures	04-15-1991	
44	Private Postsecondary Schools Tuition Recovery Cash Fund	11-08-2016	
47	Career Academies	11-19-2013	
<u>SPECIAL EDUCATION</u>			
51	Special Education Programs Standards	05-17-2022	
52	Early Intervention Program Standards	07-15-2014	
55	Special Education Appeals	09-09-2012	
58	Security-Related Infrastructure Grants	03-16-2024	
59	Regulations for School Health and Safety	05-13-2006	X
<u>PRACTICE AND PROCEDURE</u>			
61	Contested Cases	10-01-1997	
62	Declaratory Orders	08-22-1995	
63	Rulemaking Petitions	08-22-1995	
64	Negotiated Rulemaking	08-22-1995	
<u>REHABILITATION SERVICES</u>			
71	Formal Review of Vocational Rehabilitation Determinations	07-15-2018	
72	Vocational Rehabilitation Cost Containment	07-15-2018	
<u>MISCELLANEOUS</u>			
81	High School Equivalency	04-27-2016	
82	High School Equivalency Assistance Act	03-20-2016	
83	State Committee for the Reorganization of School Districts	05-31-2016	
84	Educational Service Units Accreditation	06-23-2012	
85	Educational Service Unit Boundary Changes	12-15-1998	
86	Public School Breakfast Program Reimbursement	02-09-2008	
87	Qualified Zone Academy and Qualified School Construction Bonds	04-04-2010	
89	Education Innovation Fund Program-Distance Education Equipment Reimbursement and Incentives	07-08-2007	
<u>TRANSPORTATION</u>			
91	Driver Qualifications & Operational Procedures for Pupil Transportation Vehicles	02-05-2020	
92	Minimum Equipment Standards & Safety Inspection Criteria for Pupil Transportation Vehicles	07-01-2019	
<u>TITLE 93</u>			
1 - 16	Nebraska Department of Education Personnel Rules	12-02-2018	X

** To view/print a copy of any rule listed above, visit the NDE Homepage at:
<https://www.education.ne.gov/legal/current-nde-rules-regulations/>