

# **City of Scottsbluff, Nebraska**

**Monday, February 5, 2018**

**Regular Meeting**

## **Item Reports4**

**Council to authorize Mayor to sign a letter of support for LB 801 and proposal for a Panhandle Day Treatment Center for area youth.**

**Staff Contact: Nathan Johnson, City Manager**

REQXXXX  
2017

REQXXXX  
2017

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL XXXX**

Introduced by Stinner, 48.

Read first time

Committee:

A BILL FOR AN ACT relating to education and state appropriations; to  
establish a pilot project collaborative therapeutic educational setting  
in partnership between Educational Service Unit #13 and Region 1  
Behavioral Health Authority; and to appropriate funding.

Be it enacted by the people of the State of Nebraska,

Section 1. (1) The Legislature recognizes that the Panhandle of Nebraska has limited resources to detect and treat mental illness in school-age children. Many school-age children suffer a history of bipolar disorder, schizophrenia and violent, irrational behavior. Additionally, many school-age children have experienced adverse childhood experiences and at least one major depressive episode. All aforementioned conditions, without intervention, have been linked to long-term significantly negative impacts on an individual's developing brain; altering neural systems that result in enduring emotional, behavioral, cognitive, mental, social and physical health. In addition, many of the school-age children who suffer from the aforementioned conditions are more likely to engage in illicit drug use, binge alcohol consumption and become addicted to opioids. Additional stressors include conditions under poverty whereby school-age children experience food insecurity.

(2) The conditions and stressors recognized in subsection (1) of this section, in combination with a lack of sufficient resources in the Panhandle of Nebraska result in a number of school-age children in a high risk category with a need for publicly funded therapeutic day treatment, day school and intensive outpatient services. The Legislature hereby recognizes a need to place the school-age children described in subsection (1) of this section into close proximity to their families, making reintegration into home communities more effective.

(3) Furthermore, the Legislature hereby affirms that effective therapy for the conditions mentioned in subsection (1) of this section includes comprehensive treatment based on the principles of neurodevelopment and neurobiology with the assumption that an individual's behavior and self-regulation includes emotional, behavioral, social motor and neurophysiological functioning driven by neural integration.

Section 2. (1) The intent of the Legislature is to develop a pilot project named "Panhandle Beginnings" whereby a collaborative therapeutic facility with the capability of fulfilling obligations to the common schools in the Panhandle of Nebraska may be established. Panhandle Beginnings shall fulfill the need for therapeutic day treatment, day school and intensive outpatient services for school-age children described in subsection (1) of Section 1. The Legislature hereby affirms its intent to fund Panhandle Beginnings for fiscal years 2018-23 with the expectation that it will reach

**Comment [CM1]:** Reference to Article VII-1 of the Nebraska Constitution, "common school" meaning public schools.

Intent is for Panhandle Beginnings to fulfill educational requirements while students are enrolled in the program.

(Note: Clarify with bill drafters.)

self-sufficiency and be replicated in other areas of Nebraska where similar service deficits exist.

Section 3. (1) For purposes of Sections 1-8, the following definitions shall apply:

(a) Panhandle of Nebraska is defined as Sioux, Scotts Bluff, Banner, Kimball, Dawes, Box Butte, Morrill, Cheyenne, Sheridan, Garden, and Deuel counties;

(b) Adverse childhood experience is defined as a stressful or traumatic event, including abuse and neglect. It may also include household dysfunction such as witnessing domestic violence or growing up with family members who have substance use disorders.

(c) Major depressive episode is defined as a period of at least two weeks in which severe symptoms negatively affect how an individual feels, thinks and handles daily activities such as sleeping, eating, or working. Symptoms may include, but are not limited to: feelings of sadness, hopelessness, depressed mood, loss of interest or pleasure in activities that used to be enjoyable, change in weight or appetite, psychomotor agitation or retardation, insomnia, over-sleeping, feelings of exhaustion, feelings of guilt or worthlessness, difficulties concentrating and thoughts of death or suicide.

(d) Day treatment

(e) Day school

(f) Intensive outpatient services

(g) Trauma informed care

(h) Least restrictive environment

(i) Multidisciplinary evaluation

(j) Tier 3 positive behavioral interventions and supports

(k) Educational staff

(l) Therapeutic staff

(m) Local school district

(n) Enrollee

Section 4. (1) The Legislature hereby establishes "Panhandle Beginnings" as a day school, day treatment and intensive outpatient services therapeutic and educational program and sets forth the following objectives:

(a) Panhandle Beginnings shall be a therapeutic treatment and educational setting that adheres to the principles set forth in subsection (3) of Section 1. Panhandle Beginnings shall provide day treatment, day school and intensive outpatient services to enrollees up to 21 years of age

**Comment [CM2]:** Requirement under Individuals with Disabilities in Education Act

(Note: Provide the source to bill drafters when submitting.)

**Comment [CM3]:** Requirement under Individuals with Disabilities in Education Act

(Note: Provide the source to bill drafters when submitting.)

**Comment [CM4]:** Reference to guidance on special education instructional methodology from U.S. Department of Education, Office of Special Education Programs, Technical Assistance Center

(Note: Provide the source to bill drafters when submitting.)

**Comment [CM5]:** Will need more specific input to define the terms highlighted here.

with preference given to those who reside in the Panhandle of Nebraska and fulfill requirements for entry as set forth in subsections (2) (a), (3) (a) and (4) (a) of Section 5.

(b) Panhandle Beginnings shall be designed with support of mental or behavioral health professionals to help enrollees in the program develop the social and emotional skills in an intensive setting necessary to become successful in academic and social environments and to facilitate movement of the acute mental health and behavioral needs by stabilizing the precipitating condition and relapse potential.

(c) Panhandle Beginnings shall be a collaborative effort of case management and coordinated services cooperating with outside state agencies, private mental and behavioral health practitioners and parents or legal guardians to provide supports and interventions necessary as an integral part of delivery of services. Upon admitting an enrollee, Panhandle Beginnings shall conduct an initial placement meeting, whereby staff inform the parent or legal guardian of the enrollee to which program being admitted, goals being set for the successful reintegration into the local school district and the specifics necessary for the coordination of services.

Section 5. (1) Therapeutic methods, in relation to day treatment, day school and intensive outpatient services, shall be determined based on the clinical needs of enrollees and governed by service definitions and evidence based practices. Therapeutic programming shall adhere to the principles of trauma informed care which includes a methodology of developmentally sensitive and neurobiology-informed approaches to clinical problem solving.

(2) Panhandle Beginnings shall provide a medically necessary, community based, coordinated set of individualized treatment to those receiving day treatment services. The guidelines proposed for day treatment shall be based on best practice for the level of therapeutic services needed for effective treatment.

(a) In order for enrollees to receive day treatment services under direction of Panhandle Beginnings, the following requirements must be met:

(i) The enrollee demonstrates symptomology consistent with a **DSM 5 diagnosis** which significantly impairs functioning and requires and can reasonably be expected to respond to therapeutic intervention including mental health or substance use treatment.

(ii) The enrollee is medically stable and does not require 24 hour medical or inpatient monitoring but requires 3 to 5 hours of outpatient level of care up to five times a week.

**Comment [CM6]:** Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition

(Note: Provide the source to bill drafters when submitting.)

(iii) Active treatment of no less than 3 to 5 hours of care and no less than 5 hours a week of comprehensive mental and behavioral health services.

(iv) Parents or a legal guardian must sign consent for treatment.

(v) At least one session of psychotherapy or substance abuse counseling services per scheduled treatment day. These services may include individual psychotherapy, group psychotherapy or family therapy.

(3) Panhandle Beginnings shall provide an educationally necessary, community based, coordinated set of individualized treatment to those receiving day school services. The guidelines proposed for day school shall maintain a focus on the enhancement of emotional and behavioral regulation skills, treatment of mental health concerns and the provision of individualized evidence based practices to enhance each enrollee's ability to successfully access the least restrictive environment for their appropriate and comprehensive education.

(a) In order for enrollees to receive day treatment services under direction of Panhandle Beginnings, the following requirements must be met:

(i) Evidence of and documentation indicating that prior attempts of evidence based interventions have been attempted with fidelity in a less restrictive environment, and these attempts have occurred over a period of 4 to 6 weeks for first level attempt and 4 to 6 weeks for second level attempt. Panhandle Beginnings reserves the right, through a multidisciplinary evaluation, to override this requirement if the enrollee engages in serious violent behavior that endangers him or herself or others in the least restrictive environment or if the enrollee exhibits significant mental health needs that suggest a more restrictive environment would be the least restrictive environment for placement.

(ii) Unanimous multidisciplinary evaluation and leadership confirmation, followed by the individualized education program team agreement.

(iv) The enrollee is medically stable and does not require 24 hour medical or inpatient monitoring.

(v) Active treatment of no less than 3 to 5 hours of care and no less than 5 hours a week of comprehensive mental and behavioral health services.

(iv) Parents or a legal guardian must sign consent for treatment.

(4) Panhandle Beginnings shall provide a multidisciplinary, multi-modal, structured treatment in an outpatient setting to those receiving intensive outpatient services. Services shall be based on individual medical need.

**Comment [CM7]:** Requirement under Individuals with Disabilities in Education Act  
  
(Note: Provide the source to bill drafters when submitting.)

(a) In order for enrollees to receive intensive outpatient services under direction of Panhandle Beginnings, the following requirements must be met:

(i) 9 or more hours per week of mental and behavioral health services including but not limited to psychoeducation, individual therapy, group therapy and family therapy. Hours and days of treatment may be reduced as clinically defined.

Section 6. (1) All enrollees, in relation to day treatment and day school shall receive instruction by a certified teacher aligned with the curriculum of the local school district. Enrollees who are verified as a student with a disability under the federal Individuals with Disabilities in Education Act (PL 92-142) and Nebraska Rule 51 under the Nebraska Department of Education may receive services from a provider who meets the additional requirements under Rule 51.

(2) Instructional methodology shall be designed using evidence based strategies for supporting positive behaviors within the classroom while addressing root causes of behavior with the intent that enrollees will be exited back into less restrictive environments when appropriate. Tier 3 positive behavioral interventions and supports shall be a component of such instructional methodology.

(3) Training of educational staff shall be based on behavioral strategies, consisting of the components of tier 3 positive behavior interventions and supports and trauma informed practices. All educational staff shall also receive training in intervention strategies focusing on special treatment procedures including de-escalation techniques and physical restraint, to be used by educational staff as a last resort when an enrollee is a danger to himself, herself, or others. Additional training shall be provided to educational staff regarding evidence based practices to manage behaviors and provide supports to enrollees within the classroom. Therapeutically based training within the day treatment program shall include both therapeutic and educational staff receiving comprehensive training on trauma informed practices. Panhandle Beginnings shall make available all training mentioned in this subsection to parents or legal guardians of the enrollees and the staff of local school districts as part of the effort to transition such enrollee to the local school district.

(4) Panhandle Beginnings staff shall meet with parents or legal guardians with regularity to discuss progress in person, through telephone or

secure video conferencing. As appropriate, team meetings between Panhandle Beginnings staff and the staff of the local school district shall occur.

(5) Reintegration shall be decided on an individual basis and planned through team meetings once the enrollee has met the goals determined during the initial placement meeting, as described in Section 4(1)(c).

Considerations for the needs of the receiving school shall be included. The reintegration process shall be individualized for enrollees and shall include a strong psychoeducational and behavioral health consultation component and may include the periodic attendance of one local school district employee.

(6) Acknowledging the geographical distance within the service area, barriers to travel may become cumbersome for an enrollee to receive services at Panhandle Beginnings. As such, a portion of the educational component may include an outreach specialist to design a program for coordination of services with the local school districts. The aforementioned specialist may also coordinate reintegration into the local district.

(7) The length of stay of enrollees shall be individualized and based on clinical criteria for admissions and continued stay, taking into consideration an expectation of 21-90 days within the therapeutic day treatment setting.

Section 7. (1) An Advisory Board is hereby established with representatives that will provide input on programming, the Clinical Director and Building Administrator. Representatives may include:

(a) School district representatives (Superintendent, Special Services Director, School Psychologist, Licensed Mental Health Practitioner, School Counselor)

(b) ESU Administrator

(c) ESU Special Education Director

(d) ESU Director of Psychological Services

(e) Region 1 Administrator

(f) Region 1 Youth Network Coordinator

(g) Private Counselor/Psychologist

Section 8. (1) There is hereby appropriated from the General Fund in fiscal year 2018-19 \$135,000 for the startup costs and \$667,337 for the educational costs for a total of \$802,337.

(2) There is hereby appropriated from the General Fund in fiscal year 2019-20 \$200,000 in facility costs and \$233,668 in educational costs for a total of \$433,668.

**Comment [CM8]:** Will need more specific input on defining what the Advisory Board shall consist of. (i.e. number of Board members, specifying proportion of its makeup in relation to professions, stakeholders, etc.)



REQXXXX  
2017

REQXXXX  
2017

(3) There is hereby appropriated from the General Fund in fiscal year 2020-21 \$200,000 in facility costs and \$233,668 in educational costs for a total of \$433,668.

(4) There is hereby appropriated from the General Fund in fiscal year 2021-22 \$200,000 in facility costs and \$233,668 in educational costs for a total of \$433,668.

(5) There is hereby appropriated from the General Fund in fiscal year 2022-23 \$200,000 in facility costs and \$233,668 in educational costs for a total of \$433,668.



308-632-4136  
2525 Circle Drive  
Scottsbluff, NE 69361

February 2, 2018

Senator John Stinner  
48<sup>th</sup> District  
Room #1004  
P.O. Box 94604  
Lincoln, NE 68509

Dear Senator Stinner,

The Scottsbluff City Council writes to express support of the "Panhandle Beginnings Act" LB 801. We understand the challenges faced by our area schools when faced with students in need of a higher level of therapeutic services than can currently be provided. We additionally realize the shortage of these types of services available and hope that this project will help to meet the health needs of children in our schools and communities and create better health and educational outcomes for our Nebraska youth.

Thank you for your commitment to helping the children and families of the Panhandle.

Sincerely,

Randy Meininger  
Mayor  
City of Scottsbluff