

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 64

Introduced by Howard, 9; Avery, 28; Flood, 19; Friend, 10; Harms,
48; Lautenbaugh, 18; Rogert, 16.

Read first time January 8, 2009

Committee: Education

A BILL

- 1 FOR AN ACT relating to education; to adopt the Lindsay Ann Burke
- 2 Act.
- 3 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 5 of this act shall be known and
2 may be cited as the Lindsay Ann Burke Act.

3 Sec. 2. The Legislature finds and declares that all
4 students have a right to work and study in a safe, supportive
5 environment that is free from harassment, intimidation, and
6 violence. The Legislature further finds that when a student is a
7 victim of dating violence, his or her academic life suffers and his
8 or her safety at school is jeopardized. The Legislature therefor
9 finds and declares that a policy to create an environment free from
10 dating violence shall be adopted by each school district. It is
11 the intent of the Legislature to require each school district to
12 establish a policy for responding to incidents of dating violence
13 and to provide dating violence education to students, parents,
14 staff, faculty, and administrators in order to prevent dating
15 violence and to address incidents involving dating violence.

16 Sec. 3. For purposes of the Lindsay Ann Burke Act, unless
17 the context otherwise requires:

18 (1) At school means in a school, on school grounds, in
19 a vehicle owned, leased, or contracted by a school being used
20 for a school purpose or in a vehicle being driven for a school
21 purpose by a school employee or his or her designee, or at any
22 school-sponsored activity or athletic event regardless of whether
23 it is on school grounds;

24 (2) Dating partner means any person, regardless of
25 gender, involved in an intimate relationship with another person

1 primarily characterized by the expectation of affectionate
2 involvement whether casual, serious, or long-term;

3 (3) Dating violence means a pattern of behavior where one
4 person uses threats of, or actually uses, physical, sexual, verbal,
5 or emotional abuse to control his or her dating partner;

6 (4) Department means the State Department of Education;
7 and

8 (5) School district has the same meaning as in section
9 79-101.

10 Sec. 4. (1) On or before March 1, 2010, the department
11 shall develop and adopt a model dating violence policy to
12 assist school districts in developing policies for dating violence
13 reporting and response.

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

23 (3) To ensure notice of a school district's dating
24 violence policy, the policy shall be published in any school
25 district handbook, manual, or similar publication that sets forth

1 the comprehensive rules, procedures, and standards of conduct for
2 students at school.

3 (4) Each school district shall provide dating violence
4 training to all administrators, teachers, coaches, nurses,
5 individuals assigned by the school district to sponsor a student
6 group, and mental health staff responsible for students in grades
7 six through twelve. Upon the recommendation of an administrator,
8 other staff may be included or may attend the training on a
9 volunteer basis. The dating violence training shall include, but
10 not be limited to, basic principles of dating violence, warning
11 signs of dating violence, and the school district's dating violence
12 policy. The training shall be structured to ensure that the
13 individuals taking the training are able to appropriately respond
14 to incidents of dating violence at school. Thereafter, dating
15 violence training shall be provided annually to all newly hired
16 staff deemed appropriate by a school district's administration to
17 receive the training. The dating violence training may be provided
18 by any school district or combination of school districts, an
19 educational service unit, or any combination of educational service
20 units.

21 (5) Each school district shall inform the students'
22 parents or legal guardians of the school district's dating violence
23 policy. If requested, the school district shall provide the parents
24 or legal guardians a copy of the school district's dating violence
25 policy and relevant information. It is strongly recommended that

1 the school district provide parent awareness training in the area
2 of dating violence.

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

7 Sec. 5. Each school district shall incorporate dating
8 violence education that is age-appropriate into the health
9 curriculum for students in grades six through twelve. Dating
10 violence education shall include, but not be limited to, defining
11 dating violence, recognizing dating violence warning signs, and
12 identifying characteristics of healthy dating relationships.
13 Additionally, students shall be provided with the school district's
14 dating violence policy.