

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 996

Introduced by Robak, 22

Read first time January 5, 2000

Committee: Education

A BILL

1 FOR AN ACT relating to schools; to state intent; to provide for
2 school violence prevention teams; and to provide powers
3 and duties.

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

1 Section 1. The Legislature finds that school violence
2 and potential school violence are community problems requiring a
3 cooperative complementary response by schools, the Department of
4 Correctional Services, the Department of Health and Human Services,
5 the Office of Juvenile Services, the Office of Probation
6 Administration, law enforcement agencies, courts, the mental health
7 profession, and other agencies or entities to identify students and
8 other juveniles who may engage in dangerous antisocial behavior in
9 order to protect students, faculty, staff, and visitors in
10 Nebraska's schools. It is the intent of the Legislature to create
11 a school violence prevention team in each school district in the
12 state.

13 Sec. 2. (1) Each school violence prevention team shall
14 include a representative from the school district, a representative
15 from the Department of Correctional Services, a representative from
16 the Department of Health and Human Services, a representative from
17 the Office of Juvenile Services, a juvenile probation officer from
18 the county in which the greatest portion of the school district's
19 students reside, a representative from each law enforcement agency
20 which has jurisdiction within the territory comprising the school
21 district, a representative of the county attorney's office of the
22 county in which the greatest portion of the school district's
23 students reside, a representative from the mental health profession
24 actively practicing within such county, and representatives from
25 such other agencies as determined by the team.

26 (2) The teams established pursuant to this section are
27 encouraged to expand their membership to include the various
28 relevant disciplines which exist within the territory comprising

1 the school district. The additional members shall have the
2 requisite experience necessary as determined by the core members of
3 the teams. Consistent with requirements set out by the teams, all
4 members of the teams shall attend school violence prevention
5 training on an annual basis. Such training shall be no less than
6 eight hours annually and consist of the following components:

7 (a) Recognition of various types of school violence;

8 (b) Roles and responsibilities of parents, schools,
9 juvenile corrections, juvenile probation, child protective
10 services, county attorneys, law enforcement agencies, mental health
11 professionals, and courts;

12 (c) Characteristics of child development through
13 adolescence and teenage years;

14 (d) Appropriate means of identifying and reporting
15 suspected or known violent behavior or indicators of potential
16 violent behavior, including, but not limited to, constitutional and
17 legal issues associated with such identification and reporting;

18 (e) Multidisciplinary approaches to providing services to
19 students or other juveniles who may engage in school violence; and

20 (f) Weaknesses in the system for recognizing the
21 potential for and predicting school violence.

22 (4) The superintendent of the school district shall
23 establish each of the teams and report the name and address of each
24 team member to the State Department of Education.

25 (5) Each team shall meet at a location agreed to by the
26 team, shall select a chairperson annually in the first month of
27 each school year, and shall meet at the call of the chairperson but
28 not less than monthly. Each team shall report to the department

1 within thirty days after the end of each school year the number of
2 team meetings within that school year and any changes in team
3 membership. Each team may substitute a telephone conference call
4 among team members in lieu of meeting in person.

5 Sec. 3. (1) Notwithstanding any other provision of law
6 regarding the confidentiality of records and when not prohibited by
7 the federal Privacy Act of 1974, as amended, juvenile court records
8 and any other pertinent information that may be in the possession
9 of school districts, law enforcement agencies, county attorneys,
10 the Department of Correctional Services, the Department of Health
11 and Human Services, the Office of Juvenile Services, the Office of
12 Probation Administration, and other team members concerning
13 behavior of a student or other juvenile which may be a predictor of
14 school violence shall be shared with the respective team members as
15 part of the discussion and coordination of efforts for team
16 purposes. Upon request by a team, any individual or agency with
17 information, documents, or records concerning a particular student
18 or other juvenile shall share all relevant information, documents,
19 or records with the team as determined by the team. Only the team
20 formed by the school district attended by the student whose
21 information, documents, or records are at issue or in which the
22 student or other juvenile whose information, documents, or records
23 are at issue resides may have access to such information.

24 (2) All information, documents, or records acquired by a
25 team member or other individuals pursuant to subsection (1) of this
26 section shall be confidential and shall not be disclosed except to
27 the extent necessary to permit the team to carry out its duties
28 under sections 1 to 3 of this act. Information, documents, or

1 records otherwise available from the original sources shall not be
2 immune from discovery or use in any civil or criminal action merely
3 because the information, documents, or records were presented to
4 the team if the testimony sought is otherwise permissible and
5 discoverable. Any person who presented information before the team
6 or who is a team member shall not be prevented from testifying as
7 to matters within the person's knowledge.

8 Sec. 4. The school violence prevention team shall
9 develop standards and guidelines, which, at a minimum, shall
10 include procedures for:

11 (1) Maintaining the confidentiality of the information,
12 documents, and other records received pursuant to section 3 of this
13 act;

14 (2) Use of such information, documents, and other records
15 in reducing the risk of school violence;

16 (3) How and when the team will meet; and

17 (4) Referring for counseling and other services those
18 students and other juveniles whose records are provided to the
19 team.