

AMENDMENTS TO LB390

Introduced by Judiciary.

1           1. Strike the original sections and all amendments thereto and  
2 insert the following new sections:

3           Section 1. The Legislature finds and declares that:

4           (1) Our public school children, faculty, and staff are entitled to  
5 be safe in schools when they attend school and study or work;

6           (2) Schools have an interest in keeping students safe;

7           (3) The interest of schools in keeping students safe may include the  
8 presence of school resource officers or security guards if a school  
9 district determines such resources are necessary to keep schools safe;

10          (4) Parents and guardians of students have a vested interest in  
11 being informed of school discipline matters involving their children and  
12 to be notified as soon as possible if their children are contacted in  
13 response to a possible law violation, questioned, searched, cited, or  
14 arrested by a peace officer working with school officials;

15          (5) A comprehensive and clear memorandum of understanding between  
16 law enforcement and school officials will delineate the roles and  
17 responsibilities of school resource officers, security guards, and school  
18 officials to balance the interests of safety for students and school  
19 staff in relation to parental rights, student success, and family  
20 integrity, with the goal that an increased law enforcement presence at  
21 schools will not result in a disparate impact on students in federally  
22 identified demographic categories; and

23          (6) Schools have a duty to respond to and manage disciplinary  
24 issues. The primary role of school resource officers and security  
25 officers should be to enhance safety with the understanding that school  
26 resource officers also work to prevent and respond to law violations and  
27 serve as a community resource for students, parents, and school staff.

1           Sec. 2. For purposes of sections 1 to 4 of this act, unless the  
2 context otherwise requires:

3           (1) Department means the State Department of Education;

4           (2) Law enforcement agency means an agency or department of this  
5 state or of any political subdivision of this state that is responsible  
6 for the prevention and detection of crime, the enforcement of the penal,  
7 traffic, or highway laws of this state or any political subdivision of  
8 this state, and the enforcement of arrest warrants. Law enforcement  
9 agency includes a police department, an office of a town marshal, an  
10 office of a county sheriff, the Nebraska State Patrol, and any department  
11 to which a deputy state sheriff is assigned as provided in section  
12 84-106;

13           (3) Peace officer has the same meaning as in section 28-109;

14           (4) School resource officer means any peace officer who is assigned,  
15 as his or her primary duty, to any school district to provide law  
16 enforcement and security services to any public elementary or secondary  
17 school and does not mean a peace officer responding to a call for  
18 service, providing proactive enforcement, providing law enforcement or  
19 traffic direction for a school-related event, or providing temporary  
20 services as a school resource officer when the assigned school resource  
21 officer is not available;

22           (5) Security agency means a contractor that employs security guards  
23 used by a school district; and

24           (6) Security guard means a person who is contracted or employed by a  
25 security agency to protect buildings and people and who does not have law  
26 enforcement authority or the power to arrest under any apparent authority  
27 in the jurisdiction where such person is contracted or employed as a  
28 security guard. A security guard may be an off-duty peace officer.

29           Sec. 3. (1) On or before December 1, 2019, the department shall  
30 develop and distribute a model memorandum of understanding that includes  
31 the policies required by section 4 of this act. Any law enforcement

1 agency or security agency required to adopt a memorandum of understanding  
2 with a school district pursuant to this section that has not developed  
3 and adopted a different written memorandum of understanding shall adopt  
4 the model memorandum of understanding developed by the department.

5 (2) On and after January 1, 2021, any law enforcement agency which  
6 provides school resource officers and any security agency which provides  
7 security guards to schools in a school district shall have in effect the  
8 model memorandum of understanding or a different written memorandum of  
9 understanding with such school district as adopted by such law  
10 enforcement agency or security agency. Such different written memorandum  
11 of understanding shall be substantially similar to the model memorandum  
12 of understanding, shall include provisions in conformance with the  
13 minimum standards set forth in the model memorandum of understanding, and  
14 may include any other procedures and provisions the school district and  
15 the law enforcement agency or security agency mutually deem appropriate.

16 (3) The superintendent of a school district required to adopt a  
17 memorandum of understanding under this section shall, within three months  
18 after its adoption, provide a copy of such memorandum of understanding to  
19 the department or publicly post such memorandum of understanding on the  
20 school district web site.

21 (4) On or before January 1, 2021, and each January 1 thereafter,  
22 when any school district required to adopt a memorandum of understanding  
23 under this section has made any change to its memorandum of  
24 understanding, in conjunction with the law enforcement agency or security  
25 agency, in the preceding year, the superintendent of such school district  
26 shall provide an updated copy of such memorandum of understanding to the  
27 department or publicly post such memorandum of understanding on the  
28 school district web site.

29 Sec. 4. Each memorandum of understanding required by section 3 of  
30 this act shall govern the use of school resource officers or security  
31 guards and shall include, but not be limited to, policies that:

1       (1) Require each school resource officer or security guard to attend  
2 a minimum of twenty hours of training focused on school-based law  
3 enforcement, including, but not limited to, coursework focused on school  
4 law, student rights, understanding special needs students and students  
5 with disabilities, conflict de-escalation techniques, ethics for school  
6 resource officers, teenage brain development, adolescent behavior,  
7 implicit bias training, diversity and cultural awareness, trauma-informed  
8 responses, and preventing violence in school settings;

9       (2) Require a minimum of one administrator in each elementary or  
10 secondary school where a school resource officer or security guard is  
11 assigned to attend a minimum of twenty hours of training focused on  
12 school-based law enforcement, including, but not limited to, coursework  
13 focused on school law, student rights, understanding special needs  
14 students and students with disabilities, conflict de-escalation  
15 techniques, ethics for school resource officers and security guards,  
16 teenage brain development, adolescent behavior, implicit bias training,  
17 diversity and cultural awareness, trauma-informed responses, and  
18 preventing violence in school settings;

19       (3) Ensure records are kept on each student referral for prosecution  
20 from a school resource officer in response to an incident occurring at  
21 school, on school grounds, or at a school-sponsored event and ensure that  
22 such records allow for analysis of related data and delineate:

23       (a) The reason for such referral; and

24       (b) Federally identified demographic characteristics of such  
25 student;

26       (4) Identify school policies that address when a parent or guardian  
27 will be notified or present, in a language that such parent or guardian  
28 understands, if a student is subjected to questioning or interrogation by  
29 a school official or by a school resource officer or security guard  
30 operating in conjunction with a school official;

31       (5) Identify the school or law enforcement agency policies that

1 address under what circumstances a student will be advised of  
2 constitutional rights prior to being questioned or interrogated by a  
3 school official or by a school resource officer or security guard  
4 operating in conjunction with a school official;

5 (6) Identify the school policy required by section 79-262 that  
6 addresses the type or category of student conduct or actions that will be  
7 referred to law enforcement for prosecution and the type of student  
8 conduct or actions that will be resolved as a disciplinary matter by a  
9 school official and not subject to referral to law enforcement; and

10 (7) Identify a student and parent complaint process to express a  
11 concern or file a complaint about a school resource officer or security  
12 guard and the practices of such school resource officer or security guard  
13 with the law enforcement agency or security agency.