

ONE HUNDRED SIXTH LEGISLATURE - SECOND SESSION - 2020
COMMITTEE STATEMENT
LB1080

Hearing Date: Tuesday February 11, 2020
Committee On: Education
Introducer: Lathrop
One Liner: Require school policies that prohibit sexual conduct with students and former students

Roll Call Vote - Final Committee Action:
Advanced to General File

Vote Results:

Aye: 8 Senators Brewer, Groene, Kolowski, Linehan, Morfeld, Murman,
Pansing Brooks, Walz

Nay:

Absent:

Present Not Voting:

Oral Testimony:

Proponents:

Senator Steve Lathrop
Lisa Albers

Maddie Fennell
Brian Halstead
Kyle McGowan
Jack Moles

Representing:

introducer
Grand Island Public Schools Board of Education,
Nebraska Association of School Boards
Nebraska State Education Association
Nebraska Department of Education
Nebraska Council of School Administrators
Nebraska Rural Community Schools Association

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

Legislative Bill 1080 creates a new section of statute that requires the school board or board of education of each school district and the governing authority of each private, denominational, or parochial school to adopt a policy, on or before June 30, 2021, regarding appropriate relationships between a student and a school employee, student teacher or intern.

Definitions, for the purposes of this new section of statute, are provided for grooming and personal communication system in section one of the bill as follows:

Grooming means building trust with a student and individuals close to the student in an effort to gain access to and time alone with the student, with the ultimate goal of engaging in sexual contact or sexual penetration with the student, regardless of when in the student's life the sexual contact or sexual penetration would take place.

Personal communication system means a device or software that provides for communication between two or more parties and is capable of receiving, displaying, or transmitting communication. Personal communication system includes, but is not limited to, a mobile or cellular telephone, an email service, or a social media platform.

Definitions for sexual contact and sexual penetration have the same meaning as Neb. Rev. Stat. Sec. 28-318, the criminal statute dealing with sexual assault and related sexual offenses. Student teacher or intern has the same meaning as in Neb. Rev. Stat. Sec. 79-875, which governs such personnel within educational settings.

Policy requirements include:

- Provisions prohibiting grooming with examples of such behavior
- Provisions prohibiting relationships that involve sexual contact or sexual penetration with a current student or a former student within one year after such student's graduation or when such student ceases enrollment
- Procedure for verifying the policy was received and understood by the school employee, student teacher or intern
- Procedure for reporting suspected grooming or other unacceptable conduct to:
 - The school or school district administration,
 - The Nebraska Department of Education (NDE),
 - The Department of Health and Human Services (DHHS), and
 - Law enforcement
- A description of the preferred method for communicating with students, including which personal communication systems the board or governing authority has deemed permissible for this purpose
- Notice that a violation of the policy may result in disciplinary action up to and including dismissal
- Notice that any violation of the policy by any certificated employee may result in referral to the NDE, as well as consequences including suspension or revocation of the employee's certificate
- Notice that any violation involving sexual or other abuse will result in referral to the DHHS, law enforcement, or both

Finally, LB1080 specifies that nothing in the bill shall be construed to limit any certificated employee's duty to report to NDE any known violation of standards of professional practices adopted by the State Board of Education.

Mike Groene, Chairperson