

ONE HUNDRED FIRST LEGISLATURE - FIRST SESSION - 2009
COMMITTEE STATEMENT
LB64

Hearing Date: Tuesday February 03, 2009
Committee On: Education
Introducer: Howard
One Liner: Adopt the Lindsay Ann Burke Act and provide duties for the State Department of Education and school districts with respect to dating violence

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 7 Senators Ashford, Adams, Cornett, Giese, Haar, Howard, Sullivan
Nay:
Absent: 1 Senator Avery
Present Not Voting:

Proponents:	Representing:
Senator Gwen Howard	Introducer
Leslie Donley	Attorney General Jon Bruning
Mike Dulaney	NCSA
Patricia Newman	RESPECT
Tonya Folk	Community Domestic Violence Intervention Program
Herb Schimek	NSEA
Marjorie Maas	RESPECT
Brian Hale	NASB
Anita To	LPS Student Advisory Board
Eric Mooring	LPS Student Advisory Board
Sarah Schroeder	Nebraskans for Peace (UNL Chapter)
Paul Olson	Nebraskans for Peace
Marty Conboy	Douglas County Domestic Violence Coordinating Council
Mary Campbell	Lincoln Public Schools
Opponents:	Representing:
Neutral:	Representing:

Summary of purpose and/or changes:

Legislative Bill 64 would establish the Lindsay Ann Burke Act. The act would require the development of a model dating violence policy by the Nebraska Department of Education and various actions by school districts to address dating violence at school.

Section 1 names the act the Lindsay Ann Burke Act.

Section 2 sets forth findings and declarations of the Legislature regarding dating violence.

Section 3 provides definitions of terms used in the act.

At school would mean in a school, on school grounds, in a vehicle owned, leased, or contracted by a school being used for a school purpose or in a vehicle being driven for a school purpose by a school employee or his or her designee, or at any school-sponsored activity or athletic event regardless of whether it is on school grounds.

Dating partner would mean any person, regardless of gender, involved in an intimate relationship with another person primarily characterized by the expectation of affectionate involvement whether casual, serious, or long-term.

Dating violence would mean a pattern of behavior where one person uses threats of, or actually uses, physical, sexual, verbal, or emotional abuse to control his or her dating partner.

Section 4 sets forth the following duties related to the act:

On or before March 1, 2010, the Department of Education would be required to develop and adopt a model dating violence policy to assist school districts in developing policies for dating violence reporting and response.

On or before July 1, 2010, each school district would be required to develop and adopt a specific policy to address incidents of dating violence involving students at school, which would be made a part of the requirements for accreditation in accordance with section 79-703. Such policy would include, but not be limited to, a statement that dating violence will not be tolerated, dating violence reporting procedures, guidelines for responding to school incidents of dating violence, and disciplinary procedures specific to school incidents of dating violence.

To ensure notice of a school districts dating violence policy, the policy would be required to be published in any school district handbook, manual, or similar publication that sets forth the comprehensive rules, procedures, and standards of conduct for students at school.

Each school district would be required to provide dating violence training to all administrators, teachers, coaches, nurses, individuals assigned by the school district to sponsor a student group, and mental health staff responsible for students in grades six through twelve. Upon the recommendation of an administrator, other staff may be included or may attend the training on a volunteer basis. The dating violence training would include, but not be limited to, basic principles of dating violence, warning signs of dating violence, and the school districts dating violence policy. The training would be structured to ensure that the individuals taking the training are able to appropriately respond to incidents of dating violence at school. Thereafter, dating violence training would be provided annually to all newly hired staff deemed appropriate by a school districts administration to receive the training. The dating violence training may be provided by any school district or combination of school districts, an educational service unit, or any combination of educational service units.

Each school district would be required to inform the students parents or legal guardians of the school districts dating violence policy. If requested, the school district would be required to provide parents or legal guardians with a copy of the school districts dating violence policy and relevant information. School district would be strongly recommended to provide parent awareness training in the area of dating violence.

Section 4 concludes with a statement that this section would not prevent a victim of dating violence from seeking redress under any other available law, either civil or criminal, and would not create or alter any existing tort liability.

Section 5 would require each school district to incorporate dating violence education that is age-appropriate into the health curriculum for students in grades six through twelve. Dating violence education would include, but not be limited to, defining dating violence, recognizing dating violence warning signs, and identifying characteristics of healthy dating relationships. Additionally, students would be provided with the school districts dating violence policy.

Explanation of amendments:

The committee amendment strikes the original sections and becomes the bill. The amendment: 1) removes the requirement that school district dating violence policies include provisions for reporting and responding to incidents of dating violence at school; 2) narrows the requirement for dating violence training for school personnel; and 3) replaces the requirement that dating violence education be incorporated into schools health curriculum in grades six through twelve with a requirement that dating violence education be incorporated into the school program.

Section 1 would name the act the Lindsay Ann Burke Act.

Section 2 sets forth findings and declarations of the Legislature related to dating violence. The amendment replaces language requiring each school district to adopt a policy to create an environment free of dating violence with language stating that such policy create better awareness of dating violence. Legislative intent is changed to require schools to adopt policies for educating staff and students about dating violence, as opposed to requiring that such policies provide for a response to incidents of dating violence and education for students, parents, staff, faculty, and administrators to address incidents of dating violence.

Section 3 contains the definitions used in the act. The amendment removes the definition of the term at school.

Section 4 requires the State Department of Education to develop and adopt a model dating policy on or before March 1, 2010 to assist school districts in the development of dating violence policies. The amendment removes language stating that school district policies address dating violence reporting and response.

On or before July 1, 2010, each school district would be required to develop and adopt a specific policy to address incidents of dating violence involving students at school, which would be made a part of the requirements for accreditation in accordance with section 79-703. Such policy would include a statement that dating violence will not be tolerated. The amendment eliminates the requirement that the policy include dating violence reporting procedures, guidelines for responding to school incidents of dating violence, and disciplinary procedures specific to school incidents of dating violence.

A school districts dating violence policy would be required to be published in any school district handbook, manual, or similar publication that sets forth the comprehensive rules, procedures, and standards of conduct for students at school.

Each school district would be required to provide dating violence training to staff deemed appropriate by the districts administration. This replaces a requirement in the original bill that training be provided to all administrators, teachers, coaches, nurses, individuals assigned by the school district to sponsor a student group, and mental health staff responsible for students in grades six through twelve. The dating violence training would include, but not be limited to, basic awareness of dating violence, warning signs of dating violence, and the school districts dating violence policy. The dating violence training may be provided by any school district or combination of school districts, an educational service unit, or any combination of educational service units. The amendment eliminates the requirement that the training be structured to ensure that the individuals taking the training are able to appropriately respond to incidents of dating violence at school. The amendment also removes the requirement that dating violence training be provided annually to all newly hired staff deemed appropriate by a school districts administration to receive the training.

Each school district would be required to inform the students parents or legal guardians of the school districts dating violence policy. If requested, the school district would be required to provide parents or legal guardians with a copy of the school districts dating violence policy and relevant information. The amendment eliminates language stating that school districts are strongly recommended to provide parent awareness training in the area of dating violence.

The committee amendment maintains language stating that this section would not prevent a victim of dating violence from seeking redress under any other available law, either civil or criminal, and would not create or alter any existing tort liability.

Section 5 requires each school district to incorporate dating violence education that is age-appropriate into the school

program, as opposed to the health curriculum for students in grades six through twelve as proposed in the original bill. Dating violence education would include, but not be limited to, defining dating violence, recognizing dating violence warning signs, and identifying characteristics of healthy dating relationships. The amendment eliminates the requirement that students be provided with the school districts dating violence policy.

Greg Adams, Chairperson