

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1080

FINAL READING

Introduced by Lathrop, 12.

Read first time January 21, 2020

Committee: Education

- 1 A BILL FOR AN ACT relating to schools; to define terms; to prohibit
- 2 sexual conduct with students and former students as prescribed; and
- 3 to provide duties.
- 4 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) For purposes of this section:

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

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

12 (c) Sexual contact has the same meaning as in section 28-318;

13 (d) Sexual penetration has the same meaning as in section 28-318;
14 and

15 (e) Student teacher or intern has the same meaning as in section
16 79-875.

17 (2) On or before June 30, 2021, the school board or board of
18 education of each school district and the governing authority of each
19 private, denominational, or parochial school shall adopt a policy
20 regarding appropriate relationships between a student and a school
21 employee or a student teacher or intern. Such policy shall include the
22 following, at a minimum:

23 (a) A provision prohibiting any school employee or any student
24 teacher or intern from engaging in grooming;

25 (b) A provision prohibiting any relationship that involves sexual
26 contact or sexual penetration from occurring between a student and a
27 school employee or a student teacher or intern while the student is a
28 current student and for a minimum of one year after the date of the
29 student's graduation or the date the student otherwise ceases enrollment;

30 (c) Examples of grooming and related conduct the board or governing
31 authority deems unacceptable;

1 (d) A procedure for a school employee or a student teacher or intern
2 to verify the policy was received and understood;

3 (e) A procedure for reporting suspected grooming or other
4 unacceptable conduct of a school employee or a student teacher or intern
5 to the school or school district administration, the State Department of
6 Education, the Department of Health and Human Services, and law
7 enforcement;

8 (f) A description of the preferred methods for a school employee or
9 a student teacher or intern to use in communicating with students,
10 including which personal communication systems the board or governing
11 authority has deemed permissible for such purpose;

12 (g) Notice that any violation of the policy by a school employee or
13 a student teacher or intern may result in disciplinary action up to and
14 including dismissal;

15 (h) Notice that any violation of the policy by any certificated
16 employee may result in referral to the State Department of Education and
17 consequences including suspension or revocation of the employee's
18 certificate; and

19 (i) Notice that any violation involving sexual or other abuse will
20 result in referral to the Department of Health and Human Services, law
21 enforcement, or both.

22 (3) Nothing in this section shall be construed to limit any
23 certificated employee's duty to report to the State Department of
24 Education any known violation of standards of professional practices
25 adopted by the State Board of Education pursuant to section 79-866.