

LEGISLATIVE BILL 1080

Approved by the Governor August 07, 2020

Introduced by Lathrop, 12; Vargas, 7.

A BILL FOR AN ACT relating to schools; to define terms; to prohibit sexual conduct with students and former students as prescribed; and to provide duties.

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

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

(a) 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;

(b) 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;

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

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

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

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

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

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

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

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

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

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

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

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

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

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