



TO: Matthew L. Blomstedt, Ph.D.
Commissioner of Education

FROM: Brian L. Halstead, Assistant Commissioner, and Freida Lange, Administrator, Accreditation and School Improvement

SUBJECT: Overview of Safety Security and other LB 923 issues

Proposed Board Action:

None

Background Information:

This presentation will set forth background information on school safety and security issues incorporated into Rule 10 along with statutes enacted by the Legislature that impact the Rule 10 requirements including the most recent enactment of LB 923 during the Second Session of the 103rd Legislature.

Estimated Cost:

Not Applicable

Supporting Documentation Included:

Current Rule 10 language on School Environment requirements, along with proposed new language to Rule 10 on Cardiopulmonary Resuscitation (CPR), and relevant Nebraska statutes.

For Additional Information on this item:

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TITLE 92, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 10

011 School Environment.

011.01 Quality Indicator: The school facilities and the general environment are safe, orderly, and supportive of quality learning for all students. A positive atmosphere for learning supports and reflects the work of students.

011.01A Each school system maintains safe, healthful, and sanitary conditions within the school building(s) and on the school grounds and meets fire, safety, and health codes.

011.01B Each school system has a safety and security plan for the schools in the system. The plan addresses the safety and security of students, staff, and visitors. The plan is approved by the local governing body.

011.01C Each school system has a school safety and security committee which includes representatives of faculty, parents, and the community. The committee meets at least annually to prepare and/or review safety and security plans and procedures, including emergency plans and procedures.

011.01D The school system’s safety and security plan(s) are reviewed annually by one or more persons not on the local school system safety committee and not an employee of the school system. This review will include a visit to school buildings to analyze plans, policies, procedures, and practices and provide recommendations. Any recommendations made as a result of the analysis are forwarded to the head administrator and to the school safety and security committee to be considered in making revisions to the plan.

011.01E Each school system has a seclusion and restraints policy approved by the school board or local governing body.

011.01F Each school system shall develop and adopt a policy concerning bullying prevention and education for all students. The school system shall review the policy annually.

011.01G Pursuant to 79-2,141 (2) R.R.S., each school district shall develop and adopt a specific policy to address incidents of dating violence involving students at school. This policy shall include a statement that dating violence will not be tolerated.

PROPOSED CHANGE TO RULE 10

004.04B7 Cardiopulmonary Resuscitation (CPR) instruction will be added as a required component to personal health curriculum in high schools.

79-2,137. School district; development and adoption of bullying prevention and education policy; review. (1) The Legislature finds and declares that: (a) Bullying disrupts a school's ability to educate students; and (b) Bullying threatens public safety by creating an atmosphere in which such behavior can escalate into violence.

(2) For purposes of this section, bullying means any ongoing pattern of physical, verbal, or electronic abuse on school grounds, in a vehicle owned, leased, or contracted by a school being used for a school purpose by a school employee or his or her designee, or at school-sponsored activities or school-sponsored athletic events.

(3) On or before July 1, 2009, each school district as defined in section 79-101 shall develop and adopt a policy concerning bullying prevention and education for all students.

(4) The school district shall review the policy annually.

Source: Laws 2008, LB205, § 1.

79-2,138. Act, how cited. Sections 79-2,138 to 79-2,142 shall be known and may be cited as the Lindsay Ann Burke Act.

Source: Laws 2009, LB63, § 43.

79-2,139. Legislative findings and intent. The Legislature finds and declares that all students have a right to work and study in a safe, supportive environment that is free from harassment, intimidation, and violence. The Legislature further finds that when a student is a victim of dating violence, his or her academic life suffers and his or her safety at school is jeopardized. The Legislature therefor finds and declares that a policy to create a better understanding and awareness of dating violence shall be adopted by each school district. It is the intent of the Legislature to require each school district to establish a policy for educating staff and students about dating violence.

Source: Laws 2009, LB63, § 44.

79-2,140. Terms, defined. For purposes of the Lindsay Ann Burke Act, unless the context otherwise requires:

(1) Dating partner means 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;

(2) Dating violence means 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;

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

(4) School district has the same meaning as in section 79-101.

Source: Laws 2009, LB63, § 45.

79-2,141. Model dating violence policy; department; school district; duties; publication; staff training; redress under other law. (1) On or before March 1, 2010, the department shall develop and adopt a model dating violence policy to assist school districts in developing policies for dating violence.

(2) On or before July 1, 2010, each school district shall develop and adopt a specific policy to address incidents of dating violence involving students at school, which shall be made a part of the requirements for accreditation in accordance with section 79-703. Such policy shall include a statement that dating violence will not be tolerated.

(3) To ensure notice of a school district's dating violence policy, the policy shall 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.

(4) Each school district shall provide dating violence training to staff deemed appropriate by a school district's administration. The dating violence training shall include, but not be limited to, basic awareness of dating violence, warning signs of dating violence, and the school district's 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.

(5) Each school district shall inform the students' parents or legal guardians of the school district's dating violence policy. If requested, the school district shall provide the parents or legal guardians a copy of the school district's dating violence policy and relevant information.

(6) This section does not prevent a victim of dating violence from seeking redress under any other available law, either civil or criminal, and does not create or alter any existing tort liability.

Source: Laws 2009, LB63, § 46.

79-2,142. School district; incorporate dating violence education. Each school district shall incorporate dating violence education that is age-appropriate into the school program. Dating violence education shall include, but not be limited to, defining dating violence, recognizing dating violence warning signs, and identifying characteristics of healthy dating relationships.

Source: Laws 2009, LB63, § 47.

79-2,143. State school security director; appointment. The position of state school security director is created within the State Department of Education. The Commissioner of Education shall appoint the director based on experience, knowledge, and skills in the field of school security.

Source: Laws 2014, LB923, § 1.

Effective Date: July 18, 2014

79-2,144. State school security director; duties.

The state school security director appointed pursuant to section 79-2,143 shall be responsible for providing leadership and support for safety and security for the public schools. Duties of the director include, but are not limited to:

(1) Collecting safety and security plans, required pursuant to rules and regulations of the State Department of Education relating to accreditation of schools, and other school security information from each school system in Nebraska. School districts shall provide the state school security director with the safety and security plans of the school district and any other security information requested by the director, but any plans or information submitted by a school district may be withheld by the department pursuant to subdivision (8) of section 84-712.05;

(2) Recommending minimum standards for school security on or before January 1, 2016, to the State Board of Education;

(3) Conducting an assessment of the security of each public school building, which assessment shall be completed by August 31, 2017;

(4) Identifying deficiencies in school security based on the minimum standards adopted by the State Board of Education and making recommendations to school boards for remedying such deficiencies;

(5) Establishing security awareness and preparedness tools and training programs for public school staff;

(6) Establishing research-based model instructional programs for staff, students, and parents to address the underlying causes for violent attacks on schools;

(7) Overseeing suicide awareness and prevention training in public schools pursuant to section 79-2,146;

(8) Establishing tornado preparedness standards which shall include, but not be limited to, ensuring that every school conduct at least two tornado drills per year; and

(9) Responding to inquiries and requests for assistance relating to school security from private, denominational, and parochial schools.

Source: Laws 2014, LB923, § 2.

Effective Date: July 18, 2014

79-2,145. Rules and regulations. The State Board of Education, based on the recommendations of the state school security director appointed pursuant to section 79-2,143, may adopt and promulgate rules and regulations establishing minimum school security standards on or before July 1, 2016.

Source: Laws 2014, LB923, § 3.

Effective Date: July 18, 2014

79-2,146. Suicide awareness and prevention training.

(1) Beginning in school year 2015-16, all public school nurses, teachers, counselors, school psychologists, administrators, school social workers, and any other appropriate personnel shall receive at least one hour of suicide awareness and prevention training each year. This training shall be provided within the framework of existing inservice training programs offered by the State Department of Education or as part of required professional development activities.

(2) The department, in consultation with organizations including, but not limited to, the Nebraska State Suicide Prevention Coalition, the Nebraska chapter of the American Foundation for Suicide Prevention, the Behavioral Health Education Center of Nebraska, the National Alliance on Mental Illness Nebraska, and other organizations and professionals with expertise in suicide prevention, shall develop a list of approved training materials to fulfill the requirements of subsection (1) of this section. Such materials shall include training on how to identify appropriate mental health services, both within the school and also within the larger community, and when and how to refer youth and their families to those services. Such materials may include programs that can be completed through self-review of suitable suicide prevention materials.

(3) The department may adopt and promulgate rules and regulations to carry out this section.

Source: Laws 2014, LB923, § 4.

Effective Date: July 18, 2014