

AMENDMENTS TO LB632

Introduced by Education.

1 1. Strike the original section and insert the following new
2 sections:

3 Section 1. Section 79-254, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 79-254 Sections 79-254 to 79-294 and section 5 of this act shall be
6 known and may be cited as the Student Discipline Act.

7 Sec. 2. Section 79-263, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 79-263 (1) Except as provided in section 5 of this act, each Each
10 school district shall adopt a policy requiring the expulsion from school
11 for a period of not less than one year of any student who is determined
12 to have knowingly and intentionally possessed, used, or transmitted a
13 firearm on school grounds, in a vehicle owned, leased, or contracted by a
14 school being used for a school purpose or in a vehicle being driven for a
15 school purpose by a school employee or his or her designee, or at a
16 school-sponsored activity or athletic event. For purposes of this
17 section, firearm means a firearm as defined in 18 U.S.C. 921. The policy
18 shall authorize the superintendent or the school board or board of
19 education to modify the expulsion requirement on an individual basis.

20 (2) Each school district shall provide annually to the State
21 Department of Education:

22 (a) An assurance that the school district has in effect the policy
23 required by subsection (1) of this section; and

24 (b) A description of the circumstances surrounding any expulsions
25 imposed under the policy required by subsection (1) of this section,
26 including:

27 (i) The name of the school concerned;

1 (ii) The number of students expelled from the school; and

2 (iii) The types of weapons concerned.

3 Sec. 3. Section 79-265, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 79-265 (1) Except as provided in section 5 of this act, the The
6 principal may deny any student the right to attend school or to take part
7 in any school function for a period of up to five school days on the
8 following grounds:

9 (a) Conduct constituting grounds for expulsion as set out in the
10 Student Discipline Act; or

11 (b) Any other violation of rules and standards of behavior adopted
12 under the act.

13 (2) Such short-term suspension shall be made only after the
14 principal has made an investigation of the alleged conduct or violation
15 and has determined that such suspension is necessary to help any student,
16 to further school purposes, or to prevent an interference with school
17 purposes.

18 (3) Before such short-term suspension takes effect, the student
19 shall be given oral or written notice of the charges against him or her,
20 an explanation of the evidence the authorities have, and an opportunity
21 to present his or her version.

22 (4) Within twenty-four hours or such additional time as is
23 reasonably necessary following such suspension, the principal shall send
24 a written statement to the student and his or her parent or guardian
25 describing the student's conduct, misconduct, or violation of the rule or
26 standard and the reasons for the action taken. The principal shall make a
27 reasonable effort to hold a conference with the parent or guardian before
28 or at the time the student returns to school.

29 (5) Any student who is suspended pursuant to this section may be
30 given an opportunity to complete any classwork, including, but not
31 limited to, examinations, missed during the period of suspension. Each

1 public school district shall develop and adopt guidelines stating the
2 criteria school officials shall use in determining whether and to what
3 extent such opportunity for completion will be granted to suspended
4 students. The guidelines shall be provided to the student and parent or
5 guardian at the time of suspension.

6 Sec. 4. Section 79-267, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 79-267 Except as provided in section 5 of this act, the The
9 following student conduct shall constitute grounds for long-term
10 suspension, expulsion, or mandatory reassignment, subject to the
11 procedural provisions of the Student Discipline Act, when such activity
12 occurs on school grounds, in a vehicle owned, leased, or contracted by a
13 school being used for a school purpose or in a vehicle being driven for a
14 school purpose by a school employee or by his or her designee, or at a
15 school-sponsored activity or athletic event:

16 (1) Use of violence, force, coercion, threat, intimidation, or
17 similar conduct in a manner that constitutes a substantial interference
18 with school purposes;

19 (2) Willfully causing or attempting to cause substantial damage to
20 property, stealing or attempting to steal property of substantial value,
21 or repeated damage or theft involving property;

22 (3) Causing or attempting to cause personal injury to a school
23 employee, to a school volunteer, or to any student. Personal injury
24 caused by accident, self-defense, or other action undertaken on the
25 reasonable belief that it was necessary to protect some other person
26 shall not constitute a violation of this subdivision;

27 (4) Threatening or intimidating any student for the purpose of or
28 with the intent of obtaining money or anything of value from such
29 student;

30 (5) Knowingly possessing, handling, or transmitting any object or
31 material that is ordinarily or generally considered a weapon;

1 (6) Engaging in the unlawful possession, selling, dispensing, or use
2 of a controlled substance or an imitation controlled substance, as
3 defined in section 28-401, a substance represented to be a controlled
4 substance, or alcoholic liquor as defined in section 53-103.02 or being
5 under the influence of a controlled substance or alcoholic liquor;

6 (7) Public indecency as defined in section 28-806, except that this
7 subdivision shall apply only to students at least twelve years of age but
8 less than nineteen years of age;

9 (8) Engaging in bullying as defined in section 79-2,137;

10 (9) Sexually assaulting or attempting to sexually assault any person
11 if a complaint has been filed by a prosecutor in a court of competent
12 jurisdiction alleging that the student has sexually assaulted or
13 attempted to sexually assault any person, including sexual assaults or
14 attempted sexual assaults which occur off school grounds not at a school
15 function, activity, or event. For purposes of this subdivision, sexual
16 assault means sexual assault in the first degree as defined in section
17 28-319, sexual assault in the second degree as defined in section 28-320,
18 sexual assault of a child in the second or third degree as defined in
19 section 28-320.01, or sexual assault of a child in the first degree as
20 defined in section 28-319.01, as such sections now provide or may
21 hereafter from time to time be amended;

22 (10) Engaging in any other activity forbidden by the laws of the
23 State of Nebraska which activity constitutes a danger to other students
24 or interferes with school purposes; or

25 (11) A repeated violation of any rules and standards validly
26 established pursuant to section 79-262 if such violations constitute a
27 substantial interference with school purposes.

28 It is the intent of the Legislature that alternatives to suspension
29 or expulsion be imposed against a student who is truant, tardy, or
30 otherwise absent from required school activities.

31 Sec. 5. (1) Except as provided in subsection (2) of this section, an

1 elementary school shall not suspend a student in pre-kindergarten through
2 second grade. Each school district shall develop a policy to implement
3 this section which shall include disciplinary measures inside the school
4 as an alternative to suspension.

5 (2) An elementary school may suspend a student in pre-kindergarten
6 through second grade if such student brings a deadly weapon as defined in
7 section 28-109 on school grounds, in a vehicle owned, leased, or
8 contracted by a school being used for a school purpose or in a vehicle
9 being driven for a school purpose by a school employee or his or her
10 designee, or at a school-sponsored activity or athletic event.

11 Sec. 6. Original sections 79-254, 79-263, 79-265, and 79-267,
12 Reissue Revised Statutes of Nebraska, are repealed.