

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 340

Introduced by McKinney, 11.

Read first time January 12, 2023

Committee: Education

1 A BILL FOR AN ACT relating to the Student Discipline Act; to amend
2 section 79-266, Reissue Revised Statutes of Nebraska; to change
3 provisions relating to expelled students; and to repeal the original
4 section.

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

1 Section 1. Section 79-266, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 79-266 (1) Beginning July 1, 1997, each school district shall have
4 an alternative school, class, or educational program or the procedures of
5 subsection (2) of this section available or in operation for all expelled
6 students.

7 Any two or more school boards or boards of education may join
8 together in providing alternative schools, classes, or educational
9 programs. Any district may by agreement with another district send its
10 suspended or expelled students to any alternative school, class, or
11 educational program already in operation by such other district. An
12 educational program may include, but shall not be limited to,
13 individually prescribed educational and counseling programs or a
14 community-centered classroom with experiences for the student as an
15 observer or aide in governmental functions, as an on-the-job trainee, or
16 as a participant in specialized tutorial experiences. Such programs shall
17 include an individualized learning program providing instruction and
18 credit hours sufficient to enable the student to continue all academic
19 work the student would otherwise have had access to had the student not
20 been expelled for credit toward graduation. The State Department of
21 Education shall adopt and promulgate rules and regulations relating to
22 alternative schools, classes, and educational programs, including the
23 number of hours of direct instruction and credit hours of instruction
24 that shall be provided.

25 (2) If a district does not provide an alternative school, class, or
26 educational program for expelled students, the district shall follow the
27 procedures in this subsection prior to expelling a student unless the
28 expulsion was required by subsection (4) of section 79-283: A conference
29 shall be called by a school administrator and held to assist the district
30 in the development of a plan with the participation of a parent or legal
31 guardian, the student, a school representative, and a representative of

1 either a community organization with a mission of assisting young people
2 or a representative of an agency involved with juvenile justice. The plan
3 shall be in writing, shall permit the student to continue all academic
4 work the student would otherwise have had access to had the student not
5 been expelled for credit toward graduation, and shall be adopted by a
6 school administrator and presented to the student and the parent or legal
7 guardian. The plan shall (a) specify guidelines and consequences for
8 behaviors which have been identified as preventing the student from
9 achieving the desired benefits from the educational opportunities
10 provided, (b) identify educational objectives that must be achieved in
11 order to receive credits toward graduation, (c) specify the financial
12 resources and community programs available to meet both the educational
13 and behavioral objectives identified, and (d) require the student to
14 attend biweekly ~~monthly~~ reviews in order to assess the student's progress
15 toward meeting the specified goals and objectives.

16 (3) A school district that has expelled a student may suspend the
17 enforcement of such expulsion unless the expulsion was required by
18 subsection (4) of section 79-283. The suspension may be for a period not
19 to exceed the length of the expulsion. As a condition of such suspended
20 action, the school district may require participation in a plan pursuant
21 to subsection (2) of this section or assign the student to a school,
22 class, or educational program which the school district deems appropriate
23 and that meets the requirements of subsection (1) of this section.

24 At the conclusion of such suspension period, the school district
25 shall (a) reinstate any student who has satisfactorily participated in a
26 plan pursuant to subsection (2) of this section or the school, class, or
27 educational program to which such student has been assigned and permit
28 the student to return to the school of former attendance or to attend
29 other programs offered by the district or (b) if the student's conduct
30 has been unsatisfactory, enforce the remainder of the expulsion action.

31 If the student is reinstated, the district may also take action to

1 expunge the record of the expulsion action.

2 Sec. 2. Original section 79-266, Reissue Revised Statutes of
3 Nebraska, is repealed.