

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1217

Introduced by Wayne, 13; Hunt, 8.

Read first time January 23, 2020

Committee: Education

- 1 A BILL FOR AN ACT relating to schools; to require individualized response
- 2 plans following a report of certain types of incidents involving
- 3 students as prescribed.
- 4 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) Upon receipt from a school district teacher or other
2 employee of a report regarding an incident involving the use of violence,
3 force, coercion, threat, intimidation, or similar conduct by a student in
4 a manner that constitutes a substantial interference with school
5 purposes, a school administrator in such school district shall review the
6 reported incident and develop an individualized response plan in
7 accordance with this section. Such review shall be conducted by the
8 administrator and an assigned school employee.

9 (2) If the report is substantiated, the school administrator shall,
10 in consultation with any teacher or school employee who was subjected to
11 the reported incident, develop an individualized response plan to avoid
12 future dangerous behavior by such student. Such plan may, but is not
13 required to:

14 (a) Minimize any suspension or expulsion of the student;

15 (b) Prioritize counseling and guidance services for the student or
16 educator;

17 (c) Provide positive behavioral interventions and supports, supports
18 designed to address the consequences of trauma, or training for the
19 student or educator regarding positive behavioral interventions or the
20 consequences or trauma;

21 (d) Use restorative practices; and

22 (e) Provide training for school employees who interact with the
23 student.

24 (3) The school district, in consultation with the school
25 administrator, shall provide adequate staffing and professional
26 development to implement the plan.

27 (4) School districts shall provide an annual report to the State
28 Department of Education on the number of incidents involving the use of
29 violence, force, coercion, threat, intimidation, or similar conduct by a
30 student in a manner that constitutes a substantial interference with
31 school purposes.

1 (5)(a) Nothing in this section shall be construed as limiting any
2 federally protected right of a student, including, but not limited to,
3 federally protected rights of students with disabilities.

4 (b) Notwithstanding any provision of this section to the contrary,
5 in the case of a student eligible for services under the federal
6 Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq., as
7 such sections existed on January 1, 2020, or protected from
8 discrimination under Section 504 of the federal Rehabilitation Act of
9 1973, 29 U.S.C. 794, as such section existed on January 1, 2020, any
10 discussion or actions related to the identification, evaluation, or
11 educational placement of the student or the provision of a free,
12 appropriate public education to the student must take place through the
13 processes established under federal law.