

AMENDMENTS TO LB653  
(Amendments to AM1701)

Introduced by McKinney, 11.

1           1. Strike original section 3 and insert the following new section:

2           **Sec. 3.** Section 79-265.01, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4           79-265.01 (1) Except as provided in subsection ~~(3)~~ ~~(2)~~ of this  
5 section, an elementary school shall not suspend a student in pre-  
6 kindergarten through second grade. Each school district shall develop a  
7 policy to implement this section which shall include disciplinary  
8 measures inside the school as an alternative to suspension as provided in  
9 subsection (2) of this section.

10          (2)(a) An elementary school may utilize purposeful in-school  
11 suspension for students in pre-kindergarten through second grade as a  
12 disciplinary measure for disruptive behavior, including chronic  
13 disruptive behavior. Students in such grades shall not be defined  
14 primarily by behavior labels, but by support needs and developmental  
15 readiness. Purposeful in-school suspension of a student shall:

16          (i) Only be used only as a short-term, corrective, and supportive  
17 intervention, not as a punitive or exclusionary practice, and shall  
18 prioritize rapid reintegration into the regular learning environment; and

19          (ii) Include:

20          (A) Access to appropriate grade-level instructional materials and  
21 aligned coursework for the student;

22          (B) Continuation of academic credit and participation in learning  
23 activities;

24          (C) Behavioral supports, restorative practices, and social-emotional  
25 learning components;

26          (D) Developmentally appropriate interventions;

1        (E) Targeted literacy and numeracy interventions when academic gaps  
2        are identified;

3        (F) Skill-building supports aligned with the individual needs of the  
4        student;

5        (G) Reflection, conflict resolution, and goal-setting activities;  
6        and

7        (H) A reintegration plan for the return of the student to the  
8        classroom.

9        (b) Repeated use of purposeful in-school suspension for the same  
10       student shall trigger a mandatory behavior plan review.

11       (3) (2) An elementary school may suspend a student in pre-  
12       kindergarten through second grade if such student:

13       (a) Brings brings a deadly weapon as defined in section 28-109 onto  
14       on school grounds, into in a vehicle owned, leased, or contracted by a  
15       school being used for a school purpose or into in a vehicle being driven  
16       for a school purpose by a school employee or his or her designee, or to  
17       at a school-sponsored activity or athletic event; or -

18       (b) Engages in violent behavior.

19       (4) For purposes of this section:

20       (a) Chronic disruptive behavior means repeated classroom behaviors  
21       that significantly interfere with learning and persist despite the  
22       provision of developmentally appropriate interventions, supports, and  
23       accommodations. A student shall not be considered to have chronic  
24       disruptive behavior without prior documented interventions, family  
25       engagement efforts, support services as defined in section 79-1125.01,  
26       and instructional modifications;

27       (b) Purposeful in-school suspension means a structured, school-based  
28       alternative to out-of-school suspension that temporarily removes a  
29       student from the regular classroom environment of such student for a  
30       period not to exceed three consecutive school days for each incident  
31       resulting in such suspension, while maintaining the student's access to

1 instruction, behavioral supports, and trauma-informed care interventions;  
2 and

3 (c) Violent behavior means behavior that presents a clear,  
4 immediate, and serious risk of physical harm to the student or others,  
5 and that cannot be safely managed through standard classroom  
6 interventions, de-escalation strategies, or developmentally appropriate  
7 behavioral supports. In determining whether an action qualifies as  
8 violent behavior, the school district shall consider that young children  
9 are in early stages of emotional regulation, impulse control, language  
10 development, and self-expression. Developmentally typical behaviors,  
11 including tantrums, hitting, throwing objects, elopement, verbal  
12 outbursts, or dysregulation shall not, by default, be classified as  
13 violent behavior. The behavior of a student for purposes of determining  
14 appropriate or authorized disciplinary measures shall be assessed by the  
15 school district in the context of developmental stage, trauma exposure,  
16 unmet needs, learning challenges, and communication barriers of the  
17 student.

18 2. On page 4, line 14, after "student" insert "and the parent,  
19 guardian, or educational decisionmaker as defined in section 79-530 of  
20 the student"; in line 15 strike beginning with the first "or" through  
21 "her", show as stricken, and insert "and written notice of the charges  
22 against the student"; and in line 17 strike "his or her", show as  
23 stricken, and insert "the student's" and after "version" insert "of the  
24 events leading to the alleged conduct or violation the principal has  
25 determined necessitates a short-term suspension and evidence to support  
26 the student's version of such events".

27 3. On page 5, after line 3, insert the following new subsection:

28 "(5)(a) Within five days after a suspension pursuant to this  
29 section, the principal shall propose a written behavior plan for the  
30 student that provides a functional behavior analysis and a positive  
31 intervention plan to teach replacement behaviors, reinforce positive

1 actions, and maximize strategies to keep the student in school. If the  
2 behaviors that resulted in the suspension indicate the child may have  
3 specific academic or behavioral needs and the student has not previously  
4 been identified as a child with a disability, the principal shall also  
5 make a written proposal to the parent, guardian, or educational  
6 decisionmaker as defined in section 79-530 to assess the student and  
7 determine whether the student is eligible for special education or  
8 support services pursuant to the Special Education Act.

9 (b) A parent, guardian, or educational decisionmaker as defined in  
10 section 79-530 may, within five days after the receipt of a behavioral  
11 plan pursuant to subdivision (a) of this subsection, submit a written  
12 request to the school for a meeting with the principal relating to such  
13 behavioral plan.

14 (c) Upon receipt of a request by a parent, guardian, or educational  
15 decisionmaker pursuant to subdivision (b) of this subsection, the school  
16 shall initiate a meeting between the principal and other appropriate  
17 school personnel and the parent, guardian, or educational decisionmaker  
18 of such student to address such student's behavioral difficulties.  
19 Participants at such meeting or meetings shall be allowed meaningful  
20 participation to address concerns, explore strategies to improve student  
21 success, and potentially initiate the special education assessment,  
22 identification, and verification process pursuant to sections 79-1137 to  
23 79-1139 for the student."