

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1034

Introduced by Dungan, 26.

Read first time January 14, 2026

Committee: Education

- 1 A BILL FOR AN ACT relating to schools; to amend sections 79-2701 and
- 2 79-2702, Reissue Revised Statutes of Nebraska; to state intent; to
- 3 define a term; to limit access to schools by federal immigration
- 4 enforcement officers as prescribed; and to repeal the original
- 5 sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 79-2701, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 79-2701 The Legislature finds and declares that:

4 (1) Our public school children, faculty, and staff are entitled to
5 be safe in schools when they attend school and study or work;

6 (2) Schools have an interest in keeping students safe;

7 (3) The interest of schools in keeping students safe may include the
8 presence of school resource officers or security guards if a school
9 district determines such resources are necessary to keep schools safe;

10 (4) Parents and guardians of students have a vested interest in
11 being informed of school discipline matters involving their children and
12 to be notified as soon as possible if their children are contacted in
13 response to a possible law violation, questioned, searched, cited, or
14 arrested by a peace officer working with school officials;

15 (5) A comprehensive and clear memorandum of understanding between
16 law enforcement and school officials will delineate the roles and
17 responsibilities of school resource officers, security guards, and school
18 officials to balance the interests of safety for students and school
19 staff in relation to parental rights, student success, and family
20 integrity, with the goal that an increased law enforcement presence at
21 schools will not result in a disparate impact on students in federally
22 identified demographic categories; ~~and~~

23 (6) Schools have a duty to respond to and manage disciplinary
24 issues. The primary role of school resource officers and security
25 officers should be to enhance safety with the understanding that school
26 resource officers also work to prevent and respond to law violations and
27 serve as a community resource for students, parents, and school staff;
28 and -

29 (7) Schools have a duty to maintain safe and orderly environments
30 for learning, to respect the privacy and constitutional rights of
31 students and school employees, to ensure that no school employee

1 facilitates immigration enforcement activities on school grounds absent a
2 valid judicial warrant, to comply with lawful court orders, and to
3 respond to exigent circumstances.

4 **Sec. 2.** Section 79-2702, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 79-2702 For purposes of sections 79-2701 to 79-2704 and section 3 of
7 this act, unless the context otherwise requires:

8 (1) Department means the State Department of Education;

9 (2) Law enforcement agency means an agency or department of this
10 state or of any political subdivision of this state that is responsible
11 for the prevention and detection of crime, the enforcement of the penal,
12 traffic, or highway laws of this state or any political subdivision of
13 this state, and the enforcement of arrest warrants. Law enforcement
14 agency includes a police department, an office of a town marshal, an
15 office of a county sheriff, the Nebraska State Patrol, and any department
16 to which a deputy state sheriff is assigned as provided in section
17 84-106;

18 (3) Peace officer has the same meaning as in section 28-109;

19 (4) School resource officer means any peace officer who is assigned,
20 as his or her primary duty, to any school district to provide law
21 enforcement and security services to any public elementary or secondary
22 school and does not mean a peace officer responding to a call for
23 service, providing proactive enforcement, providing law enforcement or
24 traffic direction for a school-related event, or providing temporary
25 services as a school resource officer when the assigned school resource
26 officer is not available;

27 (5) Security agency means a contractor that employs security guards
28 used by a school district; ~~and~~

29 (6) Security guard means a person who is contracted or employed by a
30 security agency to protect buildings and people and who does not have law
31 enforcement authority or the power to arrest under any apparent authority

1 in the jurisdiction where such person is contracted or employed as a
2 security guard. A security guard may be an off-duty peace officer; and -

3 (7) Valid judicial warrant means a warrant issued and signed by a
4 judge or magistrate of a court of competent jurisdiction that
5 specifically authorizes the access sought. An administrative warrant,
6 immigration detainer, notice to appear, administrative subpoena, or other
7 document issued by a federal agency without specific judicial approval
8 shall not be considered a valid judicial warrant.

9 **Sec. 3.** No school employee, contractor, or agent of a school
10 district shall permit access to students, school employees, school
11 grounds, or school facilities by a federal immigration enforcement
12 officer for the purpose of immigration enforcement unless such officer
13 presents a valid judicial warrant. Nothing in this section shall be
14 construed to prohibit a school employee from complying with a valid
15 judicial warrant or court order or from responding to exigent
16 circumstances involving an immediate threat to the health or safety of a
17 student or school employee.

18 **Sec. 4.** Original sections 79-2701 and 79-2702, Reissue Revised
19 Statutes of Nebraska, are repealed.