



Nebraska Compilation of School Discipline Laws and Regulations

Prepared: April 30, 2024

Introduction

This compilation presents school discipline-related laws and regulations for U.S. states, U.S. territories, and the District of Columbia, and, where available, links to education agency websites or resources related to school discipline and student conduct. The discipline laws and regulations presented in this compilation have been categorized by type of specific discipline issue covered, according to an organizational framework developed by the National Center for Safe and Supportive Learning Environments (NCSSLE). For example, one major category encompasses all laws or regulations governing states or territories that mandate specific disciplinary sanctions (such as suspension) for specific offenses (such as drug possession on school grounds). The school discipline laws and regulations were compiled through exhaustive searches of legislative websites that identified all laws and regulations relevant to each specific category. Compiled materials were subsequently reviewed by state education agency (SEA) representatives in the 50 states, Washington D.C., and the U.S. territories.

Discipline categories were not mutually exclusive. Laws and regulations often appeared across multiple categories. For jurisdictions with more extensive laws covering a breadth of topical areas, relevant sections were excerpted from the larger legislative text for inclusion in the appropriate discipline category. Laws, ordered by chapter and section number, appear first within each category followed by regulations. All laws and regulations listed within categories in the compilation also appear in the sources cited section of the document, which lists laws by chapter and section number and title, and where available, includes active hyperlinks to source websites supported or maintained by state legislatures. Additional links to government websites or resources are provided at the end of this document.

Notes & Disclaimers

To the best of the preparer's knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of April 2024. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the [Discipline Laws and Regulations Compendium](#) posted on the Center's website.

Prepared by:



**National Center on Safe Supportive
Learning Environments**

Engagement • Safety • Environment

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011. School Environment

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- 01. General Information
- 02. Definitions
- 03. Establishment and general requirements of alternative schools, classes, or programs
- 04. Reporting procedures
- 05. Procedures for schools not providing schools, classes, or programs

Codes of Conduct

Authority to Develop and Establish Codes of Conduct

LAWS

R.R.S. Neb. § 79-257. School board or board of education; emergency disciplinary actions; authorized.

The school board or board of education may authorize the emergency exclusion, short-term or long-term suspension, expulsion, or mandatory reassignment of any pupil from school for conduct prohibited by the board's rules or standards established pursuant to the Student Discipline Act if such emergency exclusion, short-term or long-term suspension, expulsion, or mandatory reassignment complies with the procedures required by the act.

R.R.S. Neb. § 79-258. Administrative and teaching personnel; authorized actions.

Administrative and teaching personnel may take actions regarding student behavior, other than those specifically provided in the Student Discipline Act, which are reasonably necessary to aid the student, further school purposes, or prevent interference with the educational process. Such actions may include, but need not be limited to, counseling of students, parent conferences, referral to restorative justice practices or services, rearrangement of schedules, requirements that a student remain in school after regular hours to do additional work, restriction of extracurricular activity, or requirements that a student receive counseling, psychological evaluation, or psychiatric evaluation upon the written consent of a parent or guardian to such counseling or evaluation.

R.R.S. Neb. § 79-261. School board or board of education; powers; delegation of authority.

- (1) The school board or board of education may by rule amplify, supplement, or extend the procedures provided in the Student Discipline Act if such actions are not inconsistent with the act.
- (2) Any action taken by the school board or board of education or by its employees or agents in a material violation of the act shall be considered null, void, and of no effect.
- (3) The school board or board of education may authorize the delegation to other school officials of responsibilities directed to the principal or superintendent by the act.

R.R.S. Neb. § 79-262. School board or board of education; rules and standards; establish; distribute and post; review with county attorney.

(1) The school board or board of education shall establish and promulgate rules and standards concerning student conduct which are reasonably necessary to carry out or to prevent interference with carrying out any educational function, if such rules and standards are clear and definite so as to provide clear notice to the student and his or her parent or guardian as to the conduct prescribed, prohibited, or required under the rules and standards. Notwithstanding any other provisions contained in the Student Discipline Act, the school board or board of education may by rule specify a particular action as a sanction for particular conduct. Any such action must be otherwise authorized by section 79-258, 79-265, or 79-267. Any such rule shall be binding on all students, school officials, board members, and hearing examiners. Expulsion may be specified as a sanction for particular conduct only if the school board or board of education finds that the type of conduct for which expulsion is specified has the potential to seriously affect the health, safety, or welfare of the student, other students, staff members, or any other person or to otherwise seriously interfere with the educational process. On or before August 1 of each year, all school boards shall annually review in collaboration with the county attorney of the county in which the principal office of the school district is located the rules and standards concerning student

conduct adopted by the school board and the provisions of section 79-267 to define conduct which the principal or designee is required to report to law enforcement under section 79-293.

R.R.S. Neb. § 79-263. School district; policy regarding firearms; requirements.

(1) Except as provided in section 79-265.01, each school district shall adopt a policy requiring the expulsion from school for a period of not less than one year of any student who is determined to have knowingly and intentionally possessed, used, or transmitted a firearm on school grounds, in a vehicle owned, leased, or contracted by a school being used for a school purpose or in a vehicle being driven for a school purpose by a school employee or his or her designee, or at a school-sponsored activity or athletic event. For purposes of this section, firearm means a firearm as defined in 18 U.S.C. 921. The policy shall authorize the superintendent or the school board or board of education to modify the expulsion requirement on an individual basis.

R.R.S. Neb. § 79-2,137. School district; development and adoption of bullying prevention and education policy; review.

(3) On or before July 1, 2009, each school district as defined in section 79-101 shall develop and adopt a policy concerning bullying prevention and education for all students.

REGULATIONS

No relevant regulations found.

Scope

LAWS

R.R.S. Neb. § 79-263. School district; policy regarding firearms; requirements.

(1) Except as provided in section 79-265.01, each school district shall adopt a policy requiring the expulsion from school for a period of not less than one year of any student who is determined to have knowingly and intentionally possessed, used, or transmitted a firearm on school grounds, in a vehicle owned, leased, or contracted by a school being used for a school purpose or in a vehicle being driven for a school purpose by a school employee or his or her designee, or at a school-sponsored activity or athletic event. For purposes of this section, firearm means a firearm as defined in 18 U.S.C. 921. The policy shall authorize the superintendent or the school board or board of education to modify the expulsion requirement on an individual basis.

R.R.S. Neb. § 79-267. Student conduct constituting grounds for long-term suspension, expulsion, or mandatory reassignment; enumerated; alternatives for truant or tardy students.

Except as provided in section 79-265.01, the following student conduct shall constitute grounds for long-term suspension, expulsion, or mandatory reassignment, subject to the procedural provisions of the Student Discipline Act, when such activity occurs on school grounds, in a vehicle owned, leased, or contracted by a school being used for a school purpose or in a vehicle being driven for a school purpose by a school employee or by his or her designee, or at a school-sponsored activity or athletic event:

- (1) Use of violence, force, coercion, threat, intimidation, or similar conduct in a manner that constitutes a substantial interference with school purposes;
- (2) Willfully causing or attempting to cause substantial damage to property, stealing or attempting to steal property of substantial value, or repeated damage or theft involving property;
- (3) Causing or attempting to cause personal injury to a school employee, to a school volunteer, or to any student. Personal injury caused by accident, self-defense, or other action undertaken on the reasonable belief that it was necessary to protect some other person shall not constitute a violation of this subdivision;

- (4) Threatening or intimidating any student for the purpose of or with the intent of obtaining money or anything of value from such student;
- (5) Knowingly possessing, handling, or transmitting any object or material that is ordinarily or generally considered a weapon;
- (6) Engaging in the unlawful possession, selling, dispensing, or use of a controlled substance or an imitation controlled substance, as defined in section 28-401, a substance represented to be a controlled substance, or alcoholic liquor as defined in section 53-103.02 or being under the influence of a controlled substance or alcoholic liquor;
- (7) Public indecency as defined in section 28-806, except that this subdivision shall apply only to students at least twelve years of age but less than nineteen years of age;
- (8) Engaging in bullying as defined in section 79-2,137;
- (9) Sexually assaulting or attempting to sexually assault any person if a complaint has been filed by a prosecutor in a court of competent jurisdiction alleging that the student has sexually assaulted or attempted to sexually assault any person, including sexual assaults or attempted sexual assaults which occur off school grounds not at a school function, activity, or event. For purposes of this subdivision, sexual assault means sexual assault in the first degree as defined in section 28-319, sexual assault in the second degree as defined in section 28-320, sexual assault of a child in the second or third degree as defined in section 28-320.01, or sexual assault of a child in the first degree as defined in section 28-319.01, as such sections now provide or may hereafter from time to time be amended;
- (10) Engaging in any other activity forbidden by the laws of the State of Nebraska which activity constitutes a danger to other students or interferes with school purposes; or
- (11) A repeated violation of any rules and standards validly established pursuant to section 79-262 if such violations constitute a substantial interference with school purposes.

R.R.S. Neb. § 79-2,137. School district; development and adoption of bullying prevention and education policy; review.

(2) For purposes of this section, bullying means any ongoing pattern of physical, verbal, or electronic abuse on school grounds, in a vehicle owned, leased, or contracted by a school being used for a school purpose by a school employee or his or her designee, or at school-sponsored activities or school-sponsored athletic events.

REGULATIONS

No relevant regulations found.

Communication of Policy

LAWS

R.R.S. Neb. § 79-262. School board or board of education; rules and standards; establish; distribute and post; review with county attorney.

(1) The school board or board of education shall establish and promulgate rules and standards concerning student conduct which are reasonably necessary to carry out or to prevent interference with carrying out any educational function, if such rules and standards are clear and definite so as to provide clear notice to the student and his or her parent or guardian as to the conduct prescribed, prohibited, or required under the rules and standards. Notwithstanding any other provisions contained in the Student Discipline Act, the school board or board of education may by rule specify a particular action as a sanction for particular conduct. Any such action must be otherwise authorized by section 79-258, 79-265,

or 79-267. Any such rule shall be binding on all students, school officials, board members, and hearing examiners. Expulsion may be specified as a sanction for particular conduct only if the school board or board of education finds that the type of conduct for which expulsion is specified has the potential to seriously affect the health, safety, or welfare of the student, other students, staff members, or any other person or to otherwise seriously interfere with the educational process. On or before August 1 of each year, all school boards shall annually review in collaboration with the county attorney of the county in which the principal office of the school district is located the rules and standards concerning student conduct adopted by the school board and the provisions of section 79-267 to define conduct which the principal or designee is required to report to law enforcement under section 79-293. [...]

(3) Rules or standards which form the basis for discipline, including the conduct required to be reported to law enforcement, shall be distributed to each student and his or her parent or guardian at the beginning of each school year, or at the time of enrollment if during the school year, and shall be posted in conspicuous places in each school during the school year. Changes in rules and standards shall not take effect until reasonable effort has been made to distribute such changes to each student and his or her parent or guardian.

REGULATIONS

No relevant regulations found.

In-School Discipline

Discipline Frameworks

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Teacher Authority to Remove Students From Classrooms

LAWS

R.R.S. Neb. § 79-262.01. Behavioral intervention, behavioral management, classroom management, and removal of a student from a classroom in school; model policy; school district policy; training

(1) On or before July 1, 2025, the State Department of Education shall develop and adopt a model policy relating to behavioral intervention, behavioral management, classroom management, and removal of a student from a classroom in school. The model policy shall include appropriate training for school employees on behavioral intervention, behavioral management, classroom management, and removal of a student from a classroom in schools and how frequently such training shall be required. The length of such training shall be a reasonable amount as determined by each school board.

(2) On or before August 1, 2025, each school district shall develop and adopt a policy consistent with or comparable to the model policy developed by the State Department of Education pursuant to subsection (1) of this section, which shall be a requirement for accreditation in accordance with section 79-703. Such policy shall be filed with the Commissioner of Education. The policy developed and adopted by a school district pursuant to this subsection shall be included with any notifications required under the Student Discipline Act.

(3)(a) Beginning in school year 2026-27, each school district shall ensure that any school employee who has behavioral management responsibilities participates in behavioral awareness and intervention training consistent with the school district policy developed and adopted in accordance with subsection (2) of this section. Such training shall be provided by the school district or such school district's educational service unit. The length of such training shall be a reasonable amount as determined by the school board.

(b) Each school district shall, either independently, or through the educational service unit of which such school district is a member, develop and provide behavioral awareness and intervention training to employees from such school who have behavioral management responsibilities. If such training is provided by the educational service unit, such training shall be available to any educational service unit employee and any member school district employee that works in a school and has behavioral management responsibilities. Such training shall be consistent with the model policy developed by the State Department of Education pursuant to subsection (1) of this section.

(4) The State Board of Education may adopt and promulgate rules and regulations to carry out this section.

REGULATIONS

No relevant regulations found.

Alternatives to Suspension

LAWS

R.R.S. Neb. § 79-209. Compulsory attendance; nonattendance; school district; duties; collaborative plan; considerations; referral to county attorney; notice.

(2) All school boards shall have a written policy on attendance developed and annually reviewed in collaboration with the county attorney of the county in which the principal office of the school district is located. The policy shall include a provision indicating how the school district will handle cases in which excessive absences are due to illness. The policy shall also state the circumstances and number of absences or the hourly equivalent upon which the school shall render all services to address barriers to attendance. Such services shall include, but not be limited to:

(b) One or more meetings between, at a minimum, a school attendance officer, a school social worker, or a school administrator or his or her designee, the person who has legal or actual charge or control of the child, and the child, when appropriate, to attempt to address the barriers to attendance. The result of the meeting or meetings shall be to develop a collaborative plan to reduce barriers identified to improve regular attendance. The plan shall consider, but not be limited to:

(vii) Referral to restorative justice practices or services.

R.R.S. Neb. § 79-258. Administrative and teaching personnel; authorized actions.

Administrative and teaching personnel may take actions regarding student behavior, other than those specifically provided in the Student Discipline Act, which are reasonably necessary to aid the student, further school purposes, or prevent interference with the educational process. Such actions may include, but need not be limited to, counseling of students, parent conferences, referral to restorative justice practices or services, rearrangement of schedules, requirements that a student remain in school after regular hours to do additional work, restriction of extracurricular activity, or requirements that a student receive counseling, psychological evaluation, or psychiatric evaluation upon the written consent of a parent or guardian to such counseling or evaluation.

R.R.S. Neb. § 79-265.01. Pre-kindergarten through second grade students; suspension; prohibited; exceptions

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

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

R.R.S. Neb. § 79-267. Student conduct constituting grounds for long-term suspension, expulsion, or mandatory reassignment; enumerated; alternatives for truant or tardy students.

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

R.R.S. Neb. § 79-282. Hearing; hearing examiner; report; contents; review; notice; final disposition; how determined.

(1) After a hearing requested under sections 79-268 and 79-269, a report shall be made by the hearing examiner of his or her findings and a recommendation of the action to be taken, which report shall be made to the superintendent and the student or the student's parent or guardian within ten calendar days after the hearing and shall explain, in terms of the needs of both the student and the school board, the reasons for the particular action recommended. Such recommendation may range from no action, through the entire field of counseling, to long-term suspension, expulsion, mandatory reassignment, or an alternative educational placement under section 79-266.

REGULATIONS

No relevant regulations found.

Conditions on Use of Certain Forms of Discipline

Corporal Punishment

LAWS

R.R.S. Neb. § 79-295. Corporal punishment; prohibited.

Corporal punishment shall be prohibited in public schools.

REGULATIONS

No relevant regulations found.

Search and Seizure

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Restraint and Seclusion

LAWS

No relevant laws found.

REGULATIONS

Nebraska Admin. Code Title 92, Ch. 10-011. School Environment.

011.01 Quality Indicator: The school facilities and the general environment are safe, orderly, and supportive of quality learning for all students. A positive atmosphere for learning supports and reflects the work of students.

011.01E Each school system has a seclusion and restraints policy approved by the school board or local governing body.

Exclusionary Discipline: Suspension, Expulsion, and Alternative Placement

Grounds for Suspension or Expulsion

LAWS

R.R.S. Neb. § 79-256. Terms, defined.

For purposes of the Student Discipline Act, unless the context otherwise requires:

- (1) Long-term suspension means the exclusion of a student from attendance in all schools within the system for a period exceeding five school days but less than twenty school days;
- (2) Expulsion means exclusion from attendance in all schools within the system in accordance with section 79-283;
- (3) Mandatory reassignment means the involuntary transfer of a student to another school; and
- (4) Short-term suspension means the exclusion of a student from attendance in all schools within the system for a period not to exceed five school days.

R.R.S. Neb. § 79-263. School district; policy regarding firearms; requirements.

(1) Except as provided in section 79-265.01, each school district shall adopt a policy requiring the expulsion from school for a period of not less than one year of any student who is determined to have knowingly and intentionally possessed, used, or transmitted a firearm on school grounds, in a vehicle owned, leased, or contracted by a school being used for a school purpose or in a vehicle being driven for a school purpose by a school employee or his or her designee, or at a school-sponsored activity or athletic event. For purposes of this section, firearm means a firearm as defined in 18 U.S.C. 921. The policy shall authorize the superintendent or the school board or board of education to modify the expulsion requirement on an individual basis.

R.R.S. Neb. § 79-264. Student; exclusion; circumstances; emergency exclusion; procedure.

(1) Any student may be excluded from school in the following circumstances, subject to the procedural provisions of section 79-265, and, if longer than five school days, subject to the provisions of subsection (3) of this section:

- (a) If the student has a dangerous communicable disease transmissible through normal school contacts and poses an imminent threat to the health or safety of the school community; or
- (b) If the student's conduct presents a clear threat to the physical safety of himself, herself, or others, or is so extremely disruptive as to make temporary removal necessary to preserve the rights of other students to pursue an education.

(2) Any emergency exclusion shall be based upon a clear factual situation warranting it and shall last not longer than is necessary to avoid the dangers described in subsection (1) of this section.

(3) If the superintendent or his or her designee determines that such emergency exclusion shall extend beyond five days, the school board shall adopt a procedure for a hearing to be held and a final determination made within ten school days after the initial date of exclusion. Such procedure shall substantially comply with the provisions of sections 79-266 to 79-287, and such provisions shall be modified only to the extent necessary to accomplish the hearing and determination within this shorter time period.

R.R.S. Neb. § 79-265. Principal; suspend student; grounds; procedure; written statement; conference; guidelines for completion of classwork.

(1) The principal may deny any student the right to attend school or to take part in any school function for a period of up to five school days on the following grounds:

- (a) Conduct constituting grounds for expulsion as set out in the Student Discipline Act; or
- (b) Any other violation of rules and standards of behavior adopted under the act.

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

R.R.S. Neb. § 79-267. Student conduct constituting grounds for long-term suspension, expulsion, or mandatory reassignment; enumerated; alternatives for truant or tardy students.

Except as provided in section 79-265.01, the following student conduct shall constitute grounds for long-term suspension, expulsion, or mandatory reassignment, subject to the procedural provisions of the Student Discipline Act, when such activity occurs on school grounds, in a vehicle owned, leased, or contracted by a school being used for a school purpose or in a vehicle being driven for a school purpose by a school employee or by his or her designee, or at a school-sponsored activity or athletic event:

- (1) Use of violence, force, coercion, threat, intimidation, or similar conduct in a manner that constitutes a substantial interference with school purposes;
- (2) Willfully causing or attempting to cause substantial damage to property, stealing or attempting to steal property of substantial value, or repeated damage or theft involving property;
- (3) Causing or attempting to cause personal injury to a school employee, to a school volunteer, or to any student. Personal injury caused by accident, self-defense, or other action undertaken on the reasonable belief that it was necessary to protect some other person shall not constitute a violation of this subdivision;
- (4) Threatening or intimidating any student for the purpose of or with the intent of obtaining money or anything of value from such student;
- (5) Knowingly possessing, handling, or transmitting any object or material that is ordinarily or generally considered a weapon;
- (6) Engaging in the unlawful possession, selling, dispensing, or use of a controlled substance or an imitation controlled substance, as defined in section 28-401, a substance represented to be a controlled substance, or alcoholic liquor as defined in section 53-103.02 or being under the influence of a controlled substance or alcoholic liquor;
- (7) Public indecency as defined in section 28-806, except that this subdivision shall apply only to students at least twelve years of age but less than nineteen years of age;
- (8) Engaging in bullying as defined in section 79-2,137;
- (9) Sexually assaulting or attempting to sexually assault any person if a complaint has been filed by a prosecutor in a court of competent jurisdiction alleging that the student has sexually assaulted or attempted to sexually assault any person, including sexual assaults or attempted sexual assaults which occur off school grounds not at a school function, activity, or event. For purposes of this subdivision, sexual assault means sexual assault in the first degree as defined in section 28-319, sexual assault in the second degree as defined in section 28-320, sexual assault of a child in the second or third degree as defined in section 28-320.01, or sexual assault of a child in the first degree as defined in section 28-319.01, as such sections now provide or may hereafter from time to time be amended;

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

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

REGULATIONS

No relevant regulations found.

Limitations or Conditions on Exclusionary Discipline

LAWS

R.R.S. Neb. § 79-262. School board or board of education; rules and standards; establish; distribute and post; review with county attorney.

(1) The school board or board of education shall establish and promulgate rules and standards concerning student conduct which are reasonably necessary to carry out or to prevent interference with carrying out any educational function, if such rules and standards are clear and definite so as to provide clear notice to the student and his or her parent or guardian as to the conduct prescribed, prohibited, or required under the rules and standards. Notwithstanding any other provisions contained in the Student Discipline Act, the school board or board of education may by rule specify a particular action as a sanction for particular conduct. Any such action must be otherwise authorized by section 79-258, 79-265, or 79-267. Any such rule shall be binding on all students, school officials, board members, and hearing examiners. Expulsion may be specified as a sanction for particular conduct only if the school board or board of education finds that the type of conduct for which expulsion is specified has the potential to seriously affect the health, safety, or welfare of the student, other students, staff members, or any other person or to otherwise seriously interfere with the educational process. On or before August 1 of each year, all school boards shall annually review in collaboration with the county attorney of the county in which the principal office of the school district is located the rules and standards concerning student conduct adopted by the school board and the provisions of section 79-267 to define conduct which the principal or designee is required to report to law enforcement under section 79-293.

R.R.S. Neb. § 79-263. School district; policy regarding firearms; requirements.

(1) Except as provided in section 79-265.01, each school district shall adopt a policy requiring the expulsion from school for a period of not less than one year of any student who is determined to have knowingly and intentionally possessed, used, or transmitted a firearm on school grounds, in a vehicle owned, leased, or contracted by a school being used for a school purpose or in a vehicle being driven for a school purpose by a school employee or his or her designee, or at a school-sponsored activity or athletic event. For purposes of this section, firearm means a firearm as defined in 18 U.S.C. 921. The policy shall authorize the superintendent or the school board or board of education to modify the expulsion requirement on an individual basis.

R.R.S. Neb. § 79-264. Student; exclusion; circumstances; emergency exclusion; procedure.

(1) Any student may be excluded from school in the following circumstances, subject to the procedural provisions of section 79-265, and, if longer than five school days, subject to the provisions of subsection (3) of this section:

(a) If the student has a dangerous communicable disease transmissible through normal school contacts and poses an imminent threat to the health or safety of the school community; or

(b) If the student's conduct presents a clear threat to the physical safety of himself, herself, or others, or is so extremely disruptive as to make temporary removal necessary to preserve the rights of other students to pursue an education.

(2) Any emergency exclusion shall be based upon a clear factual situation warranting it and shall last not longer than is necessary to avoid the dangers described in subsection (1) of this section.

(3) If the superintendent or his or her designee determines that such emergency exclusion shall extend beyond five days, the school board shall adopt a procedure for a hearing to be held and a final determination made within ten school days after the initial date of exclusion. Such procedure shall substantially comply with the provisions of sections 79-266 to 79-287, and such provisions shall be modified only to the extent necessary to accomplish the hearing and determination within this shorter time period.

R.R.S. Neb. § 79-265.02. Student; suspension; classwork and homework; guidelines

Any student who is suspended shall be given an opportunity to complete any classwork and homework missed during the period of suspension, including, but not limited to, examinations. Each school district shall develop and adopt guidelines that provide any such student with the opportunity to complete classwork and homework. Such guidelines shall not require the student to attend the school district's alternative programs for expelled students in order to complete classwork and homework. The guidelines shall be provided to the student and a parent or guardian at the time of suspension.

R.R.S. Neb. § 79-266. Pre-expulsion procedures; when; expelled student; alternative assignments; suspension of enforcement; agreement between school boards; reinstatement; when; expungement; accept credits, conditions.

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

If the student is reinstated, the district may also take action to expunge the record of the expulsion action.

(4) At the conclusion of an expulsion, a school district shall reinstate the student and accept nonduplicative, grade-appropriate credits earned by the student during the term of expulsion from any Nebraska accredited institution or institution accredited by one of the six regional accrediting bodies in the United States.

R.R.S. Neb. § 79-283. Hearing; final disposition; written notice; effect; period of expulsion; review; when; procedure; readmittance.

(2) Except as provided in subsections (3) and (4) of this section, the expulsion of a student shall be for a period not to exceed the remainder of the semester in which it took effect unless the misconduct occurred (a) within ten school days prior to the end of the first semester, in which case the expulsion shall remain in effect through the second semester, or (b) within ten school days prior to the end of the second semester, in which case the expulsion shall remain in effect for summer school and the first semester of the following school year subject to the provisions of subsection (5) of this section. Such action may be modified or terminated by the school district at any time during the expulsion period. For purposes of this subsection, if the misconduct occurred prior to the last ten school days of the first semester and the expulsion takes effect in the second semester because the recommendation for expulsion was appealed to a hearing examiner or the school board or board of education, the length of the expulsion shall not exceed the number of days it would have been in effect had the appeal not been made.

REGULATIONS

No relevant regulations found.

Due Process

LAWS

R.R.S. Neb. § 79-255. Act; purpose.

The purpose of the Student Discipline Act is to assure the protection of all elementary and secondary school students' constitutional right to due process and fundamental fairness within the context of an orderly and effective educational process. The sanctions defined in the act shall be interpreted at all times in the light of the principles of free speech and assembly protected under the Constitution of Nebraska and the United States Constitution and in recognition of the right of every student to public education.

R.R.S. Neb. § 79-264. Student; exclusion; circumstances; emergency exclusion; procedure.

(2) If the superintendent or his or her designee determines that such emergency exclusion shall extend beyond five days, the school board shall adopt a procedure for a hearing to be held and a final

determination made within ten school days after the initial date of exclusion. Such procedure shall substantially comply with the provisions of sections 79-266 to 79-287, and such provisions shall be modified only to the extent necessary to accomplish the hearing and determination within this shorter time period.

R.R.S. Neb. § 79-265. Principal; suspend student; grounds; procedure; written statement; conference; guidelines for completion of classwork.

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

R.R.S. Neb. § 79-268. Long-term suspension, expulsion, or mandatory reassignment; procedures; enumerated.

If a principal makes a decision to discipline a student by long-term suspension, expulsion, or mandatory reassignment, the following procedures shall be followed:

(1) The decision as to recommend discipline shall be made within two school days after learning of the alleged student misconduct. On the date of the decision, a written charge and a summary of the evidence supporting such charge shall be filed with the superintendent. The school shall, within two school days after the decision, send written notice by registered or certified mail to the student and his or her parent or guardian informing them of the rights established under the Student Discipline Act;

(2) Such written notice shall include the following:

(a) The rule or standard of conduct allegedly violated and the acts of the student alleged to constitute a cause for long-term suspension, expulsion, or mandatory reassignment, including a summary of the evidence to be presented against the student;

(b) The penalty, if any, which the principal has recommended in the charge and any other penalty to which the student may be subject;

(c) A statement that, before long-term suspension, expulsion, or mandatory reassignment can be invoked, the student has a right to a hearing, upon request, and that if the student is suspended pending the outcome of the hearing, the student may complete classwork and homework, including, but not limited to, examinations, missed during the period of suspension pursuant to district guidelines which shall not require the student to attend the school district's alternative programs for expelled students in order to complete classwork or homework;

(d) A description of the hearing procedures provided by the act, along with procedures for appealing any decision rendered at the hearing;

(e) A statement that the principal, legal counsel for the school, the student, the student's parent, or the student's representative or guardian has the right (i) to examine the student's academic and disciplinary records and any affidavits to be used at the hearing concerning the alleged misconduct and (ii) to know the identity of the witnesses to appear at the hearing and the substance of their testimony; and

(f) A form on which the student, the student's parent, or the student's guardian may request a hearing, to be signed by such parties and delivered to the principal or superintendent in person or by registered or certified mail to the address provided on such form, as prescribed in sections 79-271 and 79-272;

(3) When a notice of intent to discipline a student by long-term suspension, expulsion, or mandatory reassignment is filed with the superintendent, the student may be suspended by the principal until the

date the long-term suspension, expulsion, or mandatory reassignment takes effect if the principal determines that the student must be suspended immediately to prevent or substantially reduce the risk of (a) interference with an educational function or school purpose or (b) a personal injury to the student himself or herself, other students, school employees, or school volunteers; and (4) For purposes of this section, mandatory reassignment, regardless of its implementation date, shall be subject to the procedures of this section. The Student Discipline Act does not preclude the student or the student's parent, guardian, or representative from discussing and settling the matter with appropriate school personnel prior to the time the long-term suspension, expulsion, or mandatory reassignment takes effect.

R.R.S. Neb. § 79-269. Long-term suspension, expulsion, or mandatory reassignment; hearing; procedure; hearing examiner; how designated; examination of records.

(1) (a) If a hearing is requested within five school days after receipt of the notice as provided in section 79- 268, the superintendent shall recommend appointment of a hearing examiner within two school days after receipt of the hearing request .

(b) The student or the student's parent or guardian may request designation of a hearing examiner other than the hearing examiner recommended by the superintendent if notice of the request is given to the superintendent within two school days after receipt of the superintendent's recommended appointment. Upon receiving such request, the superintendent shall provide one alternative hearing examiner who is not an employee of the school district or otherwise currently under contract with the school district and whose impartiality may not otherwise be reasonably questioned. The superintendent may also provide an additional list of hearing examiners that may include hearing examiners employed by or under contract with the school district. The student or the student's parent or guardian shall, within five school days, select a hearing examiner to conduct the hearing who was recommended, provided as an alternative hearing examiner, or included on an additional list, if any, pursuant to this subdivision and shall notify the superintendent in writing of the selection. The superintendent shall appoint the selected hearing examiner upon receipt of such notice.

(c) For purposes of this subsection, individuals whose impartiality may be reasonably questioned shall include, but not be limited to, individuals who:

- (i) Have a personal bias or prejudice concerning a party;
- (ii) Have personal knowledge of evidentiary facts concerning the proceeding;(iii) Have served as legal counsel to the school district; or
- (iv) Have a spouse who is an employee of, or is under contract with, the school district.

(d) For purposes of this section a qualified hearing examiner shall be an individual who has knowledge of the Student Discipline Act, training in the requirements of the act, or experience conducting student hearings.

(e) The hearing examiner shall, within two school days after being appointed, give written notice to the principal, the student, and the student's parent or guardian of the time and place for the hearing.

(2) The hearing examiner shall be any person designated pursuant to subsection (1) of this section, if such person (a) has not brought the charges against the student, (b) shall not be a witness at the hearing, and (c) has no involvement in the charge. Expenses and fees of any hearing examiner, in connection with the hearing, shall be paid by the school board.

(3) The hearing shall be held within a period of five school days after appointment of the hearing examiner, but such time may be changed by the hearing examiner for good cause with consent of the parties. No hearing shall be held upon less than two school days' actual notice to the principal, the student, and the student's parent or guardian, except with the consent of all the parties.

(4) The principal or legal counsel for the school, the student, and the student's parent, guardian, or representative have the right to receive a copy of all the records and written statements referred to in

the Student Discipline Act as well as the statement of any witness in the possession of the school board or board of education no later than forty eight hours prior to the hearing.

R.R.S. Neb. § 79-270. Hearing examiner; duties.

In addition to the other duties provided in the Student Discipline Act, the hearing examiner shall remain impartial throughout all deliberations. The hearing examiner shall be available prior to any hearing held pursuant to the act to answer any questions the principal, the student, or the student's parent or guardian may have regarding the nature and conduct of the hearing.

R.R.S. Neb. § 79-271. Hearing; not requested within five days; recommended punishment; effect.

If a hearing is not requested under sections 79-268 and 79-269 by the student or the student's parent or guardian within five school days following receipt of the written notice, the punishment recommended in the charge by the principal or his or her designee shall automatically go into effect upon the fifth school day following receipt of the written notice by the student or his or her parent or guardian as required in section 79-268.

R.R.S. Neb. § 79-272. Hearing; requested within thirty days; effect.

If a hearing is requested under sections 79-268 and 79-269 more than five school days but not more than thirty calendar days following the actual receipt of written notice, the hearing examiner shall be appointed and the hearing held pursuant to the requirements of section 79-269 but the imposed punishment shall continue in effect pending final determination.

R.R.S. Neb. § 79-273. Hearing; by whom attended; witnesses; student excluded; when.

Any hearing conducted pursuant to the Student Discipline Act shall be attended by the hearing examiner, the student, the student's parent or guardian, the student's representative, if any, and counsel for the school board or board of education, if the hearing examiner or the superintendent deems it advisable.

Witnesses shall be present only when they are giving information at the hearing. The student may be excluded in the discretion of the hearing examiner at times when the student's psychological evaluation or

emotional problems are being discussed. The student's representative may be an attorney. The hearing examiner may exclude anyone from the hearing when his or her actions substantially disrupt an orderly hearing.

R.R.S. Neb. § 79-275. Hearing; student; testimony.

At a hearing requested under sections 79-268 and 79-269, the student may speak in his or her own defense and may be questioned on his or her testimony, but he or she may choose not to testify and, in such case, shall not be threatened with punishment nor be later punished for refusal to testify.

R.R.S. Neb. § 79-276. Hearing; evidence on student's conduct and records.

At a hearing requested under sections 79-268 and 79-269, the principal shall present to the hearing examiner statements, in affidavit form, of any person having information about the student's conduct and the student's records but not unless such statements and records have been provided to the student or the student's parent, guardian, or representative at least 48 hours prior to the hearing. The information contained in such records shall be explained and interpreted, prior to or at the hearing, to the student, parent, guardian, or representative, upon request, by appropriate school personnel.

R.R.S. Neb. § 79-277. Hearing; rules of evidence or courtroom procedures; not applicable.

In conducting the hearing requested under sections 79-268 and 79-269, the hearing examiner shall not be bound by the rules of evidence or any other courtroom procedure.

R.R.S. Neb. § 79-278. Hearing; witnesses; testimony; cross-examination; availability of witnesses.

(1) The student, the student's parent, guardian, or representative, the principal, or the hearing examiner may ask witnesses to testify at the hearing requested under sections 79-268 and 79-269. Such testimony shall be under oath, and the hearing examiner shall be authorized to administer the oath. The hearing examiner shall make reasonable effort to assist the student or the student's parent, guardian, or representative in obtaining the attendance of witnesses. The school district shall make available those witnesses who have knowledge of or were involved in the alleged misconduct and subsequent discipline of the student if such witnesses are requested by the student or the student's parent, guardian, or representative and such witnesses are employees or under contract with the school district.

(2) The student, the student's parent, guardian, or representative, the principal, or the hearing examiner has the right to question any witness giving information at the hearing.

R.R.S. Neb. § 79-279. Hearing; witnesses; immunity.

Any person giving evidence by written statement or in person at a hearing requested under sections 79-268 and 79-269 shall be given the same immunity from liability as a person testifying in a court case.

R.R.S. Neb. § 79-280. Hearing; recorded; how paid.

The proceedings of the hearing requested under sections 79-268 and 79-269 shall be recorded at the expense of the school district.

R.R.S. Neb. § 79-281. Hearing; joint hearing; separate hearings; when.

(1) When more than one student is charged with violating the same rule and having acted in concert and when the facts are substantially the same for all such students, a single hearing requested under sections 79-268 and 79-269 may be conducted for such students as a group if the hearing examiner believes that a single hearing is not likely to result in confusion and that no student shall have his or her interests substantially prejudiced by a single hearing.

(2) If during the conduct of the hearing the hearing examiner finds that a student's interests will be substantially prejudiced by a group hearing or that the hearing is resulting in confusion, the hearing examiner may order a separate hearing for any student.

R.R.S. Neb. § 79-282. Hearing; hearing examiner; report; contents; review; notice; final disposition; how determined.

(1) After a hearing requested under sections 79-268 and 79-269, a report shall be made by the hearing examiner of his or her findings and a recommendation of the action to be taken, which report shall be made to the superintendent and the student or the student's parent or guardian within ten calendar days after the hearing and shall explain, in terms of the needs of both the student and the school board, the reasons for the particular action recommended. Such recommendation may range from no action, through the entire field of counseling, to long-term suspension, expulsion, mandatory reassignment, or an alternative educational placement under section 79-266.

(2) A review shall be made of the hearing examiner's report by the superintendent, who may change, revoke, or impose the sanction recommended by the hearing examiner but shall not impose a sanction more severe than that recommended by the hearing examiner. The superintendent shall notify the student or the student's parent or guardian of the superintendent's determination within five school days after receipt of the hearing examiner's report.

(3) The findings and recommendations of the hearing examiner, the determination by the superintendent, and any determination on appeal to the governing body, shall be made solely on the basis of the evidence presented at the hearing or, in addition, on any evidence presented on appeal.

R.R.S. Neb. § 79-283. Hearing; final disposition; written notice; effect; period of expulsion; review; when; procedure; readmittance.

(5) Any expulsion that will remain in effect during the first semester of the following school year shall be automatically scheduled for review before the beginning of the school year. The review shall be conducted by the hearing examiner after the hearing examiner has given notice of the review to the student and the student's parent or guardian. This review shall be limited to newly discovered evidence or evidence of changes in the student's circumstances occurring since the original hearing. This review may lead to a recommendation by the hearing examiner that the student be readmitted for the upcoming school year. If the school board or board of education or a committee of such board took the final action to expel the student, the student may be readmitted only by action of the board. Otherwise the student may be readmitted by action of the superintendent.

R.R.S. Neb. § 79-285. Hearing; appeal to school board or board of education; procedure.

(1) The student or the student's parent or guardian may, within seven school days following receipt of the written notice of the determination of the superintendent under section 79-282, appeal the superintendent's determination to the school board or board of education by a written request which shall be filed with the secretary of the board or with the superintendent.

(2) A hearing shall be held before the school board or the board of education within a period of ten school days after it is requested, and such time for a hearing may be changed by mutual agreement of the student and superintendent, except that the hearing may be held before a committee of the school board or board of education of not less than three members. Such appeal shall be made on the record, except that new evidence may be admitted to avoid a substantial threat of unfairness and such new evidence shall be recorded as provided in section 79-280.

R.R.S. Neb. § 79-286. Hearing; appeal; school board or board of education; powers and duties.

(1) After examining the record and taking new evidence pursuant to section 79-285, if any, the school board or board of education or the designated committee thereof may withdraw to deliberate privately upon such record and new evidence. Any such deliberation shall be held in the presence only of board members in attendance at the appeal proceeding but may be held in the presence of legal counsel who has not previously acted as the designee of the principal in presenting the school's case before the hearing examiner.

(2) If any questions arise during such deliberations which require additional evidence, the deliberating body may reopen the hearing to receive such evidence, subject to the right of all parties to be present.

(3) The board may alter the superintendent's disposition of the case if it finds the decision to be too severe but may not impose a more severe sanction.

R.R.S. Neb. § 79-287. Hearing; appeal; board; final action.

The final action of the board under section 79-286 shall be evidenced by personally delivering or mailing by certified mail a copy of the board's decision to the student and his or her parent or guardian.

R.R.S. Neb. § 79-288. Final decision; judicial review; appeal to district court; other relief.

Any person aggrieved by a final decision in a contested case under the Student Discipline Act, whether such decision is affirmative or negative in form, shall be entitled to judicial review under sections 79-288 to 79-292. Nothing in the act shall be deemed to prevent resort to other means of review, redress, or relief provided by law.

R.R.S. Neb. § 79-289. Judicial review; procedure.

(1) Proceedings for review under sections 79-288 to 79-292 shall be instituted by filing a petition in the district court of the county where the action is taken within thirty days after the service of the final decision by the school board or board of education under sections 79-286 and 79-287.

(2) All parties of record shall be made parties to the proceedings for review. The court, in its discretion, may permit other interested persons to intervene.

(3) Summons shall be served as in other actions, except that a copy of the petition shall be served upon the board together with the summons. Service of summons upon a duly elected officer of the board or the appointed secretary of the board shall constitute service on the board.

(4) The filing of the petition or the service of summons upon the board shall not stay enforcement of a decision, but the board may stay enforcement, or the court may order a stay after notice to such board of application therefor and upon such terms as it deems proper.

(5) The court may require the party requesting such stay to give bond in such amount and condition as the court may direct but only in cases involving injury or damage to person or property.

R.R.S. Neb. § 79-290. Judicial review; transcript of record and proceedings; responsive pleading not required.

Within fifteen days after service of the petition under section 79-289 or within such further time as the court for good cause shown may allow, the school board or board of education shall prepare and transmit to the court a certified transcript of the record which shall include the rules and regulations of the school board relied upon by the school district in its determination to suspend, reassign, or expel the student and the proceedings conducted before it, including the final decision sought to be reversed, vacated, or modified. The school board need not file any responsive pleading.

R.R.S. Neb. § 79-291. Judicial review; conducted without a jury; grounds for judicial action.

(1) The review under sections 79-288 to 79-292 shall be conducted by the court without a jury on the record.

(2) The court may affirm the decision of the school board or board of education, remand the case for further proceedings, or reverse or modify the decision if the substantial rights of the petitioner may have been prejudiced because the board's decision is:

- (a) In violation of constitutional provisions;
- (b) In excess of the statutory authority or jurisdiction of the board;
- (c) Made upon unlawful procedure;
- (d) Affected by other error of law;

- (e) Unsupported by competent, material, and substantial evidence in view of the entire record as made on review; or
- (f) Arbitrary or capricious.

R.R.S. Neb. § 79-292. Appeal.

An aggrieved party may secure a review of any final judgment of the district court under sections 79-288 to 79-291 by appeal as provided in the Administrative Procedure Act.

REGULATIONS

No relevant regulations found.

Return to School Following Removal

LAWS

R.R.S. Neb. § 79-266. Pre-expulsion procedures; when; expelled student; alternative assignments; suspension of enforcement; agreement between school boards; reinstatement; when; expungement; accept credits; conditions.

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

If the student is reinstated, the district may also take action to expunge the record of the expulsion action.

(4) At the conclusion of an expulsion, a school district shall reinstate the student and accept nonduplicative, grade-appropriate credits earned by the student during the term of expulsion from any Nebraska accredited institution or institution accredited by one of the six regional accrediting bodies in the United States.

R.R.S. Neb. § 79-283. Hearing; final disposition; written notice; effect; period of expulsion; review; when; procedure; readmittance.

(5) Any expulsion that will remain in effect during the first semester of the following school year shall be automatically scheduled for review before the beginning of the school year. The review shall be conducted by the hearing examiner after the hearing examiner has given notice of the review to the student and the student's parent or guardian. This review shall be limited to newly discovered evidence or evidence of changes in the student's circumstances occurring since the original hearing. This review may lead to a recommendation by the hearing examiner that the student be readmitted for the upcoming school year. If the school board or board of education or a committee of such board took the final action to expel the student, the student may be readmitted only by action of the board. Otherwise the student may be readmitted by action of the superintendent.

REGULATIONS

No relevant regulations found.

Alternative Placements

LAWS

R.R.S. Neb. § 79-266. Pre-expulsion procedures; when; expelled student; alternative assignments; suspension of enforcement; agreement between school boards; reinstatement; when; expungement; accept credits; conditions.

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

Any two or more school boards or boards of education may join together in providing alternative schools, classes, or educational programs. Any district may by agreement with another district send its suspended or expelled students to any alternative school, class, or educational program already in operation by such other district. An educational program may include, but shall not be limited to, individually prescribed educational and counseling programs or a community-centered classroom with experiences for the student as an observer or aide in governmental functions, as an on-the-job trainee, or as a participant in specialized tutorial experiences. Such programs shall include an individualized learning program to enable the student to continue academic work for credit toward graduation. The State Department of Education shall adopt and promulgate rules and regulations relating to alternative schools, classes, and educational programs.

(2) If a district does not provide an alternative school, class, or educational program for expelled students, the district shall follow the procedures in this subsection prior to expelling a student unless the expulsion was required by subsection (4) of section 79-283: A conference shall be called by a school administrator and held to assist the district in the development of a plan with the participation of a parent or legal guardian, the student, a school representative, and a representative of either a community organization with a mission of assisting young people or a representative of an agency involved with juvenile justice. The plan shall be in writing and adopted by a school administrator and presented to the student and the parent or legal guardian. The plan shall (a) specify guidelines and consequences for behaviors which have been identified as preventing the student from achieving the desired benefits from the educational opportunities provided, (b) identify educational objectives that must be achieved in order to receive credits toward graduation, (c) specify the financial resources and community programs available to meet both the educational and behavioral objectives identified, and (d) require the student to attend monthly reviews in order to assess the student's progress toward meeting the specified goals and objectives.

R.R.S. Neb. § 79-266.01. Expelled student; enrollment in public school; when.

If a student has been expelled from a public school in any school district in any state or from a private, denominational, or parochial school in any state and the student has not completed the terms of the expulsion, the student shall not be permitted to enroll in a public school in any school district until the school board of the district in which enrollment is sought approves, by a majority vote, the enrollment of the student. As a condition of enrollment, the school board may require attendance in an alternative school, class, or educational program pursuant to section 79-266 until the terms of the expulsion are completed. A student expelled from a private, denominational, or parochial school or from a school in another state may not be prohibited from enrolling in a public school district in which the student resides or in which the student has been accepted pursuant to the enrollment option program for any period of time beyond the time limits placed on expulsion pursuant to the Student Discipline Act or for any expulsion for an offense for which expulsion is not authorized for a public school student under the act.

R.R.S. Neb. § 79-282. Hearing; hearing examiner; report; contents; review; notice; final disposition; how determined.

(1) After a hearing requested under sections 79-268 and 79-269, a report shall be made by the hearing examiner of his or her findings and a recommendation of the action to be taken, which report shall be made to the superintendent and the student or the student's parent or guardian within ten calendar days after the hearing and shall explain, in terms of the needs of both the student and the school board, the reasons for the particular action recommended. Such recommendation may range from no action, through the entire field of counseling, to long-term suspension, expulsion, mandatory reassignment, or an alternative educational placement under section 79-266.

REGULATIONS

Nebraska Admin. Code Title 92, Ch. 17-001. General Information.

01.01 Statutory Authority. This Chapter is adopted pursuant to Section 79-266 of the Revised Statutes of Nebraska which requires that:

"(1) Beginning July 1, 1997, each school district shall have an alternative school, class, or educational program or the procedures of subsection (2) of this section available or in operation for all expelled students. Any two or more school boards may join together in providing alternative schools, classes, or educational programs. Any district may by agreement with another district send its suspended or expelled students to any alternative school, class, or educational program already in operation by such other district. An educational program may include, but shall not be limited to, individually prescribed educational and counseling programs or a community-centered classroom with experiences for the student as an observer or aide in governmental functions, as an on-the-job trainee, or as a participant in specialized tutorial experiences. Such programs shall include an individualized learning program to enable the student to continue academic work for credit toward graduation. The State Department of Education shall adopt and promulgate rules and regulations relating to alternative schools, classes, and educational programs."

01.02 An alternative school, class, or educational program for expelled students shall be approved if it meets the respective provisions of this Chapter.

01.03 The requirements of this rule are only applicable to alternative schools, classes, or programs provided for expelled students or to procedures provided for expelled students in districts not providing alternative schools, courses or programs.

Nebraska Admin. Code Title 92, Ch. 17-002. Definitions.

002.04 Alternative Schools, Classes, or Programs means that special category of schools, classes, or programs required by law to be provided for expelled students.

Nebraska Admin. Code Title 92, Ch. 17-003. Establishment and general requirements of alternative schools, classes, or programs.

003.01 Effective July 1, 1997, the school district shall provide an alternative school, class, or program or shall carry out the procedures of Section 79-266 (2) found in Section 005 of this Rule for students who have been expelled.

003.01A The alternative school, class, or program for expelled students may be provided by the district, through a cooperative arrangement of two or more districts, or through an arrangement with an educational service unit.

003.01B Alternative schools, classes, or programs for expelled students may include community-based programs, home-based programs, specialized tutorial experiences, distance-learning, or other programs approved by the local board of education.

003.01C The school, class, or program for expelled students shall enable the student to continue academic work for credit, and shall also include the standard of student behavior and cooperation required of the student to complete the alternative learning program.

03.01 D If the student fails to meet any of the conditions of the learning program, the district may, without further obligation, terminate the program after a due process hearing, as required in statutory provisions for suspension and expulsion of students, unless waived by the parent or legal guardian.

03.02 The school district shall have a written policy or plan describing how credit is awarded to students participating in alternative schools, classes, or programs for expelled students.

03.03 The school district shall make known to expelled students what alternative school(s), class(es), or program(s) is (are) available. If the parent or guardian should refuse to participate, the district has no further obligation with regard to provision of an alternative school, class, or program.

03.04 Teachers assigned to an alternative school, class, or program for expelled students being provided on-site by a school district or an educational service unit shall hold a valid Nebraska Teaching or Administrative Certificate issued pursuant to 92 NAC 21. Community-based or other off-site programs shall be planned in cooperation with and monitored or supervised by a school district staff member holding a Nebraska Teaching or Administrative Certificate issued pursuant to 92 NAC 21.

03.05 Alternative schools, classes, or programs for expelled students may be conducted at times other than the regular school day.

Nebraska Admin. Code Title 92, Ch. 17-004. Reporting procedures.

004.02 Each school district shall annually report, in a manner prescribed by the Department, a description of the circumstances for any expelled student who knowingly and intentionally possessed, used, or transmitted a firearm on school grounds, in a vehicle owned, leased, or contracted by a school being used for a school purpose or in a vehicle being driven for a school purpose by a school employee or his or her designee, or at a school-sponsored activity or athletic event. The report shall include:

004.02A The name of the school concerned.

004.02B The number of students expelled from the school.

004.02C The types of weapons concerned.

004.02D The types of programs to which students have been assigned.

Nebraska Admin. Code Title 92, Ch. 17-005. Procedures for schools not providing schools, classes, or programs.

005.01 Statutory Authority. These procedures are adopted pursuant to Section 79-266 (2) of the Revised Statutes of Nebraska which require that:

(2) If a district does not provide an alternative school, class or educational program for expelled students, the district shall follow the procedures in this subsection prior to expelling a student unless the expulsion was required by subsection (4) of section 79-283: A conference shall be called by a school administrator and held to assist the district in the development of a plan with the participation of a parent or legal guardian, the student, a school representative, and a representative of either a community organization with a mission of assisting young people or a representative of an agency involved with juvenile justice. The plan shall be in writing and adopted by a school administrator and presented to the student and the parent or legal guardian. The plan shall (a) specify guidelines and consequences for behaviors which have been identified as preventing the student from achieving the desired benefits from the educational opportunities provided, (b) identify educational objectives that must be achieved in order to receive credits toward graduation, (c) specify the financial resources and community programs available to meet both the educational and behavioral objectives identified, and

(d) require the student to attend monthly reviews in order to assess the student's progress toward meeting the specified goals and objectives.

Discipline Addressing Specific Code of Conduct Violations

Firearms and Other Weapons Violations

LAWS

R.R.S. Neb. § 79-263. School district; policy regarding firearms; requirements.

(1) Except as provided in section 79-265.01, each school district shall adopt a policy requiring the expulsion from school for a period of not less than one year of any student who is determined to have knowingly and intentionally possessed, used, or transmitted a firearm on school grounds, in a vehicle owned, leased, or contracted by a school being used for a school purpose or in a vehicle being driven for a school purpose by a school employee or his or her designee, or at a school-sponsored activity or athletic event. For purposes of this section, firearm means a firearm as defined in 18 U.S.C. 921. The policy shall authorize the superintendent or the school board or board of education to modify the expulsion requirement on an individual basis.

R.R.S. Neb. § 79-267. Student conduct constituting grounds for long-term suspension, expulsion, or mandatory reassignment; enumerated; alternatives for truant or tardy students.

Except as provided in section 79-265.01, the following student conduct shall constitute grounds for long-term suspension, expulsion, or mandatory reassignment, subject to the procedural provisions of the Student Discipline Act, when such activity occurs on school grounds, in a vehicle owned, leased, or contracted by a school being used for a school purpose or in a vehicle being driven for a school purpose by a school employee or by his or her designee, or at a school-sponsored activity or athletic event:

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

R.R.S. Neb. § 79-283. Hearing; final disposition; written notice; effect; period of expulsion; review; when; procedure; readmittance.

(3) The expulsion of a student for (a) the knowing and intentional use of force in causing or attempting to cause personal injury to a school employee, school volunteer, or student except as provided in subdivision (3) of section 79-267 or (b) the knowing and intentional possession, use, or transmission of a dangerous weapon, other than a firearm, shall be for a period not to exceed the remainder of the school year in which it took effect if the misconduct occurs during the first semester. If the expulsion takes place during the second semester, the expulsion shall remain in effect for summer school and may remain in effect for the first semester of the following school year. Such action may be modified or terminated by the school district at any time during the expulsion period.

(4) The expulsion of a student for the knowing and intentional possession, use, or transmission of a firearm, which for purposes of this section means a firearm as defined in 18 U.S.C. 921 as of January 1, 1995, shall be for a period as provided by the school district policy adopted pursuant to section 79-263. This subsection shall not apply to (a) the issuance of firearms to or possession of firearms by members of the Reserve Officers Training Corps when training or (b) firearms which may lawfully be possessed by the person receiving instruction under the immediate supervision of an adult instructor who may lawfully possess firearms.

REGULATIONS

No relevant regulations found.

Students with Chronic Disciplinary Issues

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Chronic Absenteeism and Truancy

LAWS

R.R.S. Neb. § 79-201. Compulsory education; attendance required; exceptions; reports required.

(5) Each school district that is a member of a learning community shall report to the learning community coordinating council on or before September 1 of each year for the immediately preceding school year the following information:

- (a) All reports of violations of this section made to the attendance officer of any school in the district pursuant to section 79-209;
- (b) The results of all investigations conducted pursuant to section 79-209, including the attendance record that is the subject of the investigation and a list of services rendered in the case;
- (c) The district's policy on excessive absenteeism; and
- (d) Records of all notices served and reports filed pursuant to section 79-209 and the district's policy on habitual truancy.

R.R.S. Neb. § 79-206. Compulsory attendance; nonattendance lists; transmission to enforcement officers.

Each superintendent or administrator of a school district, upon the receipt of the list specified in section 79-205, shall (1) compare the names of the children enrolled with the last census report on file in his or her office from such district, (2) prepare a list of all children resident in such district under his or her jurisdiction who are not attending school as provided in section 79-201, and (3) transmit the list to the officer or officers in such district whose duty it is to enforce the provisions of such section.

R.R.S. Neb. § 79-207. Compulsory attendance; entry or withdrawal of student; teachers' attendance reports.

Whenever any child enters or withdraws from any school after the third day in which school is in session, the teacher shall transmit at once the name of such child to the superintendent as specified in section 79-206 and the superintendent shall use such information in whatever way he or she deems necessary for the purpose of enforcing section 79-201. At the end of each week each teacher shall report all absences and the cause of absence to the proper superintendent. At the close of each period each teacher shall transmit to the superintendent a report showing (1) the name, age, and address of each child enrolled, (2) the number of half days each child was absent, (3) the number enrolled and the number attending on the last day of the period, and (4) the average daily attendance for the period. The provisions of this section requiring reports from each teacher shall not apply to individual teachers in schools employing more than one teacher but shall in such case apply to the head teacher, principal, or superintendent who shall obtain the required information from the teachers under his or her supervision or control. All reports and lists required in this section shall be upon blanks prescribed by the State Department of Education.

R.R.S. Neb. § 79-208. Compulsory attendance; attendance officers; powers and duties; compensation.

School boards shall appoint one or more attendance officers who shall be vested with police powers and shall enforce the provisions of section 79-201 in the school districts for which they act. Attendance officers shall be compensated for their services in such sums as are determined by the school board, to be paid out of the general school fund of the district.

R.R.S. Neb. § 79-209. Compulsory attendance; nonattendance; school district; duties; collaborative plan; considerations; referral to county attorney; notice.

(1) In all school districts in this state, any superintendent, principal, teacher, or member of the school board who knows of any violation of subsection (2) of section 79-201 shall within three days report such violation to the attendance officer of the school, who shall immediately investigate the case. When of his or her personal knowledge or by report or complaint from any resident of the district, the attendance officer believes that there is a violation of subsection (2) of section 79-201, the attendance officer shall immediately investigate such alleged violation.

(2) All school boards shall have a written policy on attendance developed and annually reviewed in collaboration with the county attorney of the county in which the principal office of the school district is located. The policy shall include a provision indicating how the school district will handle cases in which excessive absences are due to illness. The policy shall also state the circumstances and number of absences or the hourly equivalent upon which the school shall render all services to address barriers to attendance. Such services shall include, but not be limited to:

- (a) Verbal or written communication by school officials with the person or persons who have legal or actual charge or control of any child; and
- (b) One or more meetings between, at a minimum, a school attendance officer, a school social worker, or a school administrator or his or her designee, the person who has legal or actual charge or control of the child, and the child, when appropriate, to attempt to address the barriers to attendance. The result of the meeting or meetings shall be to develop a collaborative plan to reduce barriers identified to improve regular attendance. The plan shall consider, but not be limited to:
 - (i) The physical, mental, or behavioral health of the child;
 - (ii) Educational counseling;
 - (iii) Educational evaluation;
 - (iv) Referral to community agencies for economic services;
 - (v) Family or individual counseling;
 - (vi) Assisting the family in working with other community services; and
 - (vii) Referral to restorative justice practices or services.

(3) The school may report to the county attorney of the county in which the person resides when the school has documented the efforts it has made as required by subsection (2) of this section that the collaborative plan to reduce barriers identified to improve regular attendance has not been successful and that the child has been absent more than twenty days per year. The school shall notify the child's family in writing prior to referring the child to the county attorney. Failure by the school to document the efforts required by subsection (2) of this section is a defense to prosecution under section 79-201 and adjudication for educational neglect under subdivision (3)(a) of section 43-247 and habitual truancy under subdivision (3)(b) of section 43-247. Illness that makes attendance impossible or impracticable shall not be the basis for referral to the county attorney.

(4) Nothing in this section shall preclude a county attorney from being involved at any stage in the process to address excessive absenteeism.

R.R.S. Neb. § 79-259. Student suspension, expulsion, or exclusion; not a violation of compulsory attendance; compliance with other laws required.

If a student is suspended, expelled, or excluded from school or from any educational function pursuant to the Student Discipline Act, such absence from school shall not be deemed a violation on the part of any person under any compulsory school attendance statutes. Any suspension or expulsion under the act shall comply with the requirements of the Special Education Act and the requirements of the federal Individuals with Disabilities Education Act, 20 U.S.C. 1401 et seq.

R.R.S. Neb. § 79-267. Student conduct constituting grounds for long-term suspension, expulsion, or mandatory reassignment; enumerated; alternatives for truant or tardy students.

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

R.R.S. Neb. § 79-2114. Elementary learning center; services and programs; report required.

(1) Programs offered by an elementary learning center may be accessed by any elementary-age child who resides in the learning community or any family with an elementary-age child who resides in the learning community. Services to be provided by the elementary learning center shall comply with all applicable state regulations for such services, including, but not limited to, regulations requiring certification of teachers, safety provisions, and compliance with state standards. Such programs shall be designed to enhance the academic success of elementary students and may include, but are not limited to:

(g) Attendance advocates to assist in resolving issues that contribute to truancy.

R.R.S. Neb. § 79-2121. Plan to reduce excessive absenteeism; development and participation.

The superintendents of any school districts that are members of a learning community shall develop and participate in a plan by August 1, 2011, to reduce excessive absenteeism including a process to share information regarding at-risk youth with the goal of improving educational outcomes, providing effective interventions that impact risk factors, and reducing unnecessary penetration deeper into the juvenile justice system. For purposes of this section, at-risk youth means children who are under the supervision of the Office of Probation Administration, are committed to the care, custody, or supervision of the Department of Health and Human Services, are otherwise involved in the juvenile justice system, or have been absent from school for more than five days per quarter or the hourly equivalent except when excused by school authorities or when a documented illness makes attendance impossible or impracticable.

REGULATIONS

No relevant regulations found.

Substance Use

LAWS

R.R.S. Neb. § 71-5714. Tobacco prevention and control program; created.

The Tobacco Prevention and Control Program is created as a comprehensive statewide tobacco-related public health program administered by the Department of Health and Human Services. The program includes, but is not limited to (1) community programs to reduce tobacco use, (2) chronic disease programs, (3) school programs, (4) statewide programs, (5) enforcement, (6) counter marketing, (7) cessation programs, (8) surveillance and evaluation, and (9) administration.

The State Treasurer shall transfer, on July 1, 2016, the unobligated balance in the Tobacco Prevention and Control Cash Fund to the Nebraska Health Care Cash Fund.

R.R.S. Neb. § 79-267. Student conduct constituting grounds for long-term suspension, expulsion, or mandatory reassignment; enumerated; alternatives for truant or tardy students.

Except as provided in section 79-265.01, the following student conduct shall constitute grounds for long-term suspension, expulsion, or mandatory reassignment, subject to the procedural provisions of the Student Discipline Act, when such activity occurs on school grounds, in a vehicle owned, leased, or contracted by a school being used for a school purpose or in a vehicle being driven for a school purpose by a school employee or by his or her designee, or at a school-sponsored activity or athletic event:

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

R.R.S. Neb. § 79-296. Anabolic steroids; additional sanction.

(1) In addition to the penalties provided in the Uniform Controlled Substances Act and section 79-267, any person under nineteen years of age who is a student at any public elementary, secondary, or postsecondary educational institution in this state who possesses, dispenses, delivers, or administers anabolic steroids as defined in section 28-401 in violation of the Uniform Controlled Substances Act may be prohibited from participating in any extracurricular activities for not more than thirty consecutive days for the first offense. For the second or any subsequent offense, the student may be barred from participation in such activities for any period of time the institution deems appropriate pursuant to the written policy of the institution.

(2) Any sanction imposed pursuant to this section shall be in accordance with a written policy of the institution. The institution shall post the written policy in a conspicuous place and shall make a copy of the policy available to any student upon request.

REGULATIONS

No relevant regulations found.

Gang-related Activity

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Bullying, Harassment, or Hazing

LAWS

R.R.S. Neb. § 28-311.06. Hazing, defined; penalty.

(1) For purposes of this section, hazing means any activity by which a person intentionally or recklessly endangers the physical or mental health or safety of an individual for the purpose of initiation into, admission into, affiliation with, or continued membership with any organization. Such hazing activity

includes whipping, beating, branding, an act of sexual penetration, an exposure of the genitals of the body done with intent to affront or alarm any person, a lewd fondling or caressing of the body of another person, forced and prolonged calisthenics, prolonged exposure to the elements, forced consumption of any food, liquor, beverage, drug, or harmful substance not generally intended for human consumption, prolonged sleep deprivation, or any brutal treatment or the performance of any unlawful act which endangers the physical or mental health or safety of any person or the coercing of any such activity.

(2) It is unlawful to commit the offense of hazing. Any person who commits the offense of hazing is guilty of a Class II misdemeanor.

(3) If the offense of hazing is committed for the purpose of initiation into, admission into, affiliation with, or continued membership with an organization of student members operating under the sanction of a postsecondary educational institution and such offense is committed by members of such organization, such organization shall be punished by a fine of not more than ten thousand dollars. Such organization shall not include the alumni organization or any corporation which owns the house or real estate of such organization.

R.R.S. Neb. § 79-267. Student conduct constituting grounds for long-term suspension, expulsion, or mandatory reassignment; enumerated; alternatives for truant or tardy students.

Except as provided in section 79-265.01, the following student conduct shall constitute grounds for long-term suspension, expulsion, or mandatory reassignment, subject to the procedural provisions of the Student Discipline Act, when such activity occurs on school grounds, in a vehicle owned, leased, or contracted by a school being used for a school purpose or in a vehicle being driven for a school purpose by a school employee or by his or her designee, or at a school-sponsored activity or athletic event:

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

R.R.S. Neb. § 79-2,137. School district; development and adoption of bullying prevention and education policy; review.

(1) The Legislature finds and declares that:

(a) Bullying disrupts a school's ability to educate students; and

(b) Bullying threatens public safety by creating an atmosphere in which such behavior can escalate into violence.

(2) For purposes of this section, bullying means any ongoing pattern of physical, verbal, or electronic abuse on school grounds, in a vehicle owned, leased, or contracted by a school being used for a school purpose by a school employee or his or her designee, or at school-sponsored activities or school-sponsored athletic events.

(3) On or before July 1, 2009, each school district as defined in section 79-101 shall develop and adopt a policy concerning bullying prevention and education for all students.

(4) The school district shall review the policy annually.

R.R.S. Neb. § 79-2,144. State school security director; duties.

The state school security director appointed pursuant to section 79-2,143 shall be responsible for providing leadership and support for safety and security for the public schools. Duties of the director include, but are not limited to:

(10) Recommending curricular and extracurricular materials to assist school districts in preventing and responding to cyberbullying and digital citizenship issues.

REGULATIONS

Nebraska Admin. Code Title 92, Ch. 10-011. School Environment.

011.01 Quality Indicator: The school facilities and the general environment are safe, orderly, and supportive of quality learning for all students. A positive atmosphere for learning supports and reflects the work of students.

011.01F Each school system shall develop and adopt a policy concerning bullying prevention and education for all students. The school system shall review the policy annually.

Dating and Relationship Violence

LAWS

R.R.S. Neb. § 79-2,138. Act, how cited.

Sections 79-2,138 to 79-2,142 shall be known and may be cited as the Lindsay Ann Burke Act.

R.R.S. Neb. § 79-2,139. Legislative findings and intent.

The Legislature finds and declares that all students have a right to work and study in a safe, supportive environment that is free from harassment, intimidation, and violence. The Legislature further finds that when a student is a victim of dating violence, his or her academic life suffers and his or her safety at school is jeopardized. The Legislature therefor finds and declares that a policy to create a better understanding and awareness of dating violence shall be adopted by each school district. It is the intent of the Legislature to require each school district to establish a policy for educating staff and students about dating violence.

R.R.S. Neb. § 79-2,140. Terms, defined.

For purposes of the Lindsay Ann Burke Act, unless the context otherwise requires:

- (1) Dating partner means any person, regardless of gender, involved in an intimate relationship with another person primarily characterized by the expectation of affectionate involvement whether casual, serious, or long-term;
- (2) Dating violence means a pattern of behavior where one person uses threats of, or actually uses, physical, sexual, verbal, or emotional abuse, to control his or her dating partner;
- (3) Department means the State Department of Education; and
- (4) School district has the same meaning as in section 79-101.

R.R.S. Neb. § 79-2,141. Model dating violence policy; department; school district; duties; publication; staff training; redress under other law.

(1) On or before March 1, 2010, the department shall develop and adopt a model dating violence policy to assist school districts in developing policies for dating violence.

(2) On or before July 1, 2010, each school district shall develop and adopt a specific policy to address incidents of dating violence involving students at school, which shall be made a part of the requirements for accreditation in accordance with section 79-703. Such policy shall include a statement that dating violence will not be tolerated.

(3) To ensure notice of a school district's dating violence policy, the policy shall be published in any school district handbook, manual, or similar publication that sets forth the comprehensive rules, procedures, and standards of conduct for students at school.

(4) Each school district shall provide dating violence training to staff deemed appropriate by a school district's administration. The dating violence training shall include, but not be limited to, basic awareness of dating violence, warning signs of dating violence, and the school district's dating violence policy. The dating violence training may be provided by any school district or combination of school districts, an educational service unit, or any combination of educational service units.

(5) Each school district shall inform the students' parents or legal guardians of the school district's dating violence policy. If requested, the school district shall provide the parents or legal guardians a copy of the school district's dating violence policy and relevant information.

(6) This section does not prevent a victim of dating violence from seeking redress under any other available law, either civil or criminal, and does not create or alter any existing tort liability.

R.R.S. Neb. § 79-2,142. School district; incorporate dating violence education.

Each school district shall incorporate dating violence education that is age-appropriate into the school program. Dating violence education shall include, but not be limited to, defining dating violence, recognizing dating violence warning signs, and identifying characteristics of healthy dating relationships.

REGULATIONS

Nebraska Admin. Code Title 92, Ch. 10-011. School Environment.

011.01 Quality Indicator: The school facilities and the general environment are safe, orderly, and supportive of quality learning for all students. A positive atmosphere for learning supports and reflects the work of students.

011.01G Pursuant to 79-2,141 (2) R.R.S., each school district shall develop and adopt a specific policy to address incidents of dating violence involving students at school. This policy shall include a statement that dating violence will not be tolerated.

Prevention, Behavioral Intervention, and Supports

State Model Policies and Implementation Support

LAWS

R.R.S. Neb. § 79-2,144. State school security director; duties.

The state school security director appointed pursuant to section 79-2,143 shall be responsible for providing leadership and support for safety and security for the public schools. Duties of the director include, but are not limited to:

- (10) Recommending curricular and extracurricular materials to assist school districts in preventing and responding to cyberbullying and digital citizenship issues.

R.R.S. Neb. § 79-2,703. Model memorandum of understanding; department; develop and distribute; school district; superintendent; duties.

(1) On or before December 1, 2019, the department shall develop and distribute a model memorandum of understanding that includes the policies required by section 79-2704. Any law enforcement agency or security agency required to adopt a memorandum of understanding with a school district pursuant to this section that has not developed and adopted a different written memorandum of understanding shall adopt the model memorandum of understanding developed by the department.

(2) On and after January 1, 2021, any law enforcement agency which provides school resource officers and any security agency which provides security guards to schools in a school district shall have in effect the model memorandum of understanding or a different written memorandum of understanding with such school district as adopted by such law enforcement agency or security agency. Such different written memorandum of understanding shall be substantially similar to the model memorandum of understanding, shall include provisions in conformance with the minimum standards set forth in the model memorandum of understanding, and may include any other procedures and provisions the school district and the law enforcement agency or security agency mutually deem appropriate.

§ 79-3605. Mental health training grant program; State Department of Education; duties; grant; application.

(1) The State Department of Education shall establish a mental health training grant program. The department shall award mental health training grants from any money available in the Mental Health Training Cash Fund. A grantee shall be a school district or an educational service unit.

(2) Each applicant for a mental health training grant shall describe in the application the training to be provided under the grant on:

- (a) The skills, resources, and knowledge necessary to assist students in crisis to connect with appropriate local mental health services;
- (b) Mental health resources, including, but not limited to, the location of local community mental health centers; and
- (c) Action plans and protocols for referral to such resources.

(3) Each application for a mental health training grant shall also include in the application a description of how the training to be provided under the grant will prepare recipients of such training to:

- (a) Safely de-escalate crisis situations;
- (b) Recognize the signs and symptoms of mental illness, including, but not limited to, schizophrenia, bipolar disorder, major clinical depression, and anxiety disorders; and

(c) Timely refer a student to available mental health services in the early stages of the development of a mental disorder to avoid the need for subsequent behavioral health care and to enhance the effectiveness of mental health services.

(4) The State Board of Education may adopt and promulgate rules and regulations to carry out this section, including, but not limited to, application procedures, selection procedures, and annual reporting procedures.

(5) Grants received pursuant to this section shall be considered special grant funds under section 79-1003.

REGULATIONS

No relevant regulations found.

Multi-tiered Frameworks and Systems of Support

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Prevention

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Social-emotional Learning (SEL)

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Trauma-informed Practices

LAWS

R.R.S. Neb. § 79-2,704. Memorandum of understanding; contents.

Each memorandum of understanding required by section 79-2703 shall govern the use of school resource officers or security guards and shall include, but not be limited to, policies that:

(1) Require each school resource officer or security guard to attend a minimum of twenty hours of training focused on school-based law enforcement, including, but not limited to, coursework focused on school law, student rights, understanding special needs students and students with disabilities, conflict de-escalation techniques, ethics for school resource officers, teenage brain development, adolescent behavior, implicit bias training, diversity and cultural awareness, trauma-informed responses, and preventing violence in school settings;

(2) Require a minimum of one administrator in each elementary or secondary school where a school resource officer or security guard is assigned to attend a minimum of twenty hours of training focused on school-based law enforcement, including, but not limited to, coursework focused on school law, student rights, understanding special needs students and students with disabilities, conflict de-escalation techniques, ethics for school resource officers and security guards, teenage brain development, adolescent behavior, implicit bias training, diversity and cultural awareness, trauma-informed responses, and preventing violence in school settings.

REGULATIONS

No relevant regulations found.

Mental Health Literacy Training

LAWS

R.R.S. Neb. § 71-3001. Act, how cited.

Sections 71-3001 to 71-3007 shall be known and may be cited as the Nebraska Mental Health First Aid Training Act.

R.R.S. Neb. § 71-3002. Legislative findings.

The Legislature finds that:

(1) National statistics show that one in four Americans will face a mental illness in his or her lifetime;

(2) Mental health first aid builds an understanding of how mental illness affects Nebraskans, provides an overview of common treatments, and teaches basic skills for providing assistance to a person who may be developing symptoms or experiencing a crisis;

(3) A mental health first aid program is an education program recognized on the Substance Abuse and Mental Health Services Administration's National Registry of Evidence-based Programs and Practices; and

(4) The Behavioral Health Education Center administered by the University of Nebraska Medical Center has conducted a series of mental health first aid training courses and the experience of providing such courses may be utilized regarding the implementation of a mental health first aid training program as prescribed by the Nebraska Mental Health First Aid Training Act.

R.R.S. Neb. § 71-3003. Terms, defined.

For purposes of the Nebraska Mental Health First Aid Training Act:

(1) Behavioral health regions means the behavioral health regions established pursuant to section 71- 807; and

(2) Mental health first aid means the help provided to a person who is experiencing a mental health or substance abuse problem or in a mental health crisis before appropriate professional assistance or other supports are secured.

R.R.S. Neb. § 71-3004. Mental health first aid training program; Division of Behavioral Health of Department of Health and Human Services; duties.

(1) The Division of Behavioral Health of the Department of Health and Human Services shall establish a mental health first aid training program, using contracts through the behavioral health regions, to help the public identify and understand the signs of a mental illness or substance abuse problem or a mental health crisis and to provide the public with skills to help a person who is developing or experiencing a mental health or substance abuse problem or a mental health crisis and to de-escalate crisis situations if needed. The training program shall provide an interactive mental health first aid training course administered by the state's regional behavioral health authorities. Instructors in the training program shall be certified by a national authority for Mental Health First Aid USA or a similar organization. The training program shall work cooperatively with local entities to provide training for individuals to become instructors.

(2) The mental health first aid training program shall be designed to train individuals to accomplish the following objectives as deemed appropriate considering the trainee's age:

(a) Help the public identify, understand, and respond to the signs of mental illness and substance abuse;

(b) Emphasize the need to reduce the stigma of mental illness; and

(c) Assist a person who is believed to be developing or has developed a mental health or substance abuse problem or who is believed to be experiencing a mental health crisis.

R.R.S. Neb. § 71-3005. Efficacy of mental health first aid training program; behavioral health regions; report.

The Division of Behavioral Health of the Department of Health and Human Services shall ensure that evaluative criteria are established which measure the efficacy of the mental health first aid training program, including trainee feedback, with the objective of helping the public identify, understand, and respond to the signs of mental illness and alcohol and substance abuse. The behavioral health regions shall submit an aggregated annual report electronically to the Legislature on trainee demographics and outcomes of the established criteria.

R.R.S. Neb. § 71-3006. Behavioral health regions; duties.

The behavioral health regions shall offer services to and work with agencies and organizations, including, but not limited to, schools, universities, colleges, the State Department of Education, the Department of Veterans' Affairs, law enforcement agencies, and local health departments, to develop a program that offers grants to implement the Nebraska Mental Health First Aid Training Act in ways that are representative and inclusive with respect to the economic and cultural diversity of this state.

R.R.S. Neb. § 71-3007. Legislative intent.

It is the intent of the Legislature to appropriate one hundred thousand dollars annually to the Department of Health and Human Services to carry out the Nebraska Mental Health First Aid Training Act.

R.R.S. Neb. § 79-2,146. Suicide awareness and prevention training.

(1) Beginning in school year 2023-24, all public school employees who interact with students and any other appropriate personnel, as determined by the school superintendent, shall receive behavioral and mental health training with a focus on suicide awareness and prevention training each year. The length of such training shall be a reasonable amount as determined by each school board. Such training may include, but need not be limited to, topics such as identification of early warning signs and symptoms of behavioral and mental health issues in students, appropriate and effective responses for educators to student behavioral and mental health issues, trauma-informed care, and procedures for making students and parents and guardians aware of services and supports for behavioral and mental health issues. This training shall be provided within the framework of existing inservice training programs offered by the State Department of Education or as part of required professional development activities.

(2) The department, in consultation with organizations including, but not limited to, the Nebraska State Suicide Prevention Coalition, the Nebraska chapter of the American Foundation for Suicide Prevention, the Behavioral Health Education Center of Nebraska, the National Alliance on Mental Illness Nebraska, and other organizations and professionals with expertise in suicide prevention, shall develop a list of approved training materials to fulfill the requirements of subsection (1) of this section. Such materials shall include training on how to identify appropriate mental health services, both within the school and also within the larger community, and when and how to refer youth and their families to those services. Such materials may include programs that can be completed through self-review of suitable suicide prevention materials.

R.R.S. Neb. § 79-3602. Behavioral awareness training, statewide teacher support system; Educational Service Unit Coordinating Council; school district; duties; funding

1) (a) Beginning in school year 2024-25, the Educational Service Unit Coordinating Council shall (i) ensure annual behavioral awareness training is available statewide and (ii) develop, implement, and administer an ongoing statewide teacher support system.

(b) Beginning in school year 2026-27, each school district shall ensure that each administrator, teacher, paraprofessional, school nurse, and counselor receives behavioral awareness training. The length of such training shall be a reasonable amount as determined by each school board. Each administrator, teacher, paraprofessional, school nurse, and counselor who has received such training shall receive a behavioral awareness training review at least once every three years. Each school district may offer such training, or similar training, to any other school employees at the discretion of the school district. In addition, all school employees shall have a basic awareness of the goals, strategies, and schoolwide plans included in such training.

(c) Behavioral awareness training shall include, but not be limited to, evidence-based training on a continuum that includes:

- (i) Recognition of detrimental factors impacting student behavior, including, but not limited to, signs of trauma;
- (ii) Positive behavior support and proactive teaching strategies, including, but not limited to, expectations and boundaries; and
- (iii) Verbal intervention and de-escalation techniques.

(2) (a) On or before July 1, 2025, and on or before July 1 of each year thereafter, each school district shall submit a behavioral awareness training report to the Educational Service Unit Coordinating Council. Such report shall include the school district behavioral awareness training plan and summarize how such plan fulfills the requirements of this section.

(b) On or before December 31, 2025, and each December 31 thereafter, the Educational Service Unit Coordinating Council shall submit a report to the Commissioner of Education and electronically to the Education Committee of the Legislature summarizing the behavioral awareness training reports received by school districts, the various trainings provided across the state, the teacher support system, and a financial report of funding received and expended in accordance with the Behavioral Intervention Training and Teacher Support Act.

(3) (a) Behavioral awareness training and the teacher support system required pursuant to this section shall be funded from the Behavioral Training Cash Fund.

(b) Any funding received by a school district for behavioral awareness training under the Behavioral Intervention Training and Teacher Support Act shall be considered special grant funds under section 79-1003.

REGULATIONS.

No relevant regulations found.

School-based Behavioral Health Programs

LAWS

R.R.S. Neb. § 68-907. Terms, defined.

For purposes of the Medical Assistance Act:

- (6) School-based health center means a health center that:
- (a) Is located in or is adjacent to a school facility;
 - (b) Is organized through school, school district, learning community, community, and provider relationships;
 - (c) Is administered by a sponsoring facility;
 - (d) Provides school-based health services onsite during school hours to children and adolescents by health care professionals in accordance with state and local laws, rules, and regulations, established standards, and community practice;
 - (e) Does not perform abortion services or refer or counsel for abortion services and does not dispense, prescribe, or counsel for contraceptive drugs or devices; and
 - (f) Does not serve as a child's or an adolescent's medical or dental home but augments and supports services provided by the medical or dental home;
- (7) School-based health services may include any combination of the following as determined in partnership with a sponsoring facility, the school district, and the community:
- (a) Medical health;

- (b) Behavioral and mental health;
- (c) Preventive health; and
- (d) Oral health.

R.R.S. Neb. § 68-968. School-based health centers; School health center advisory council; members.

(1) To ensure that the interests of the school district, community, and health care provider are reflected within the policies, procedures, and scope of services of school-based health centers, each school district shall establish a School Health Center Advisory Council for each school in the district hosting a school-based health center.

(2) The School Health Center Advisory Council shall include:

- (a) At least one representative of the school administration or school district administration;
- (b) At least one representative of the sponsoring facility; and
- (c) At least one parent recommended by a school administrator or school district administrator and approved by a majority vote of the school board. Any parent serving on a School Health Center Advisory Council shall have at least one child enrolled in the school through which the school-based health center is organized.

(3) If another institution or organization sponsors the school-based health center, at least one representative of each sponsoring institution or organization shall be included on the School Health Center Advisory Council.

(4) School Health Center Advisory Councils may also include students enrolled in the school district through which the school-based health center is organized. Any such students must be appointed by a school administrator or school district administrator.

R.R.S. Neb. § 79-2114. Elementary learning center; services and programs; report required.

(1) Programs offered by an elementary learning center may be accessed by any elementary-age child who resides in the learning community or any family with an elementary-age child who resides in the learning community. Services to be provided by the elementary learning center shall comply with all applicable state regulations for such services, including, but not limited to, regulations requiring certification of teachers, safety provisions, and compliance with state standards. Such programs shall be designed to enhance the academic success of elementary students and may include, but are not limited to:

- (k) Mental health services.

R.R.S. Neb. § 79-3603. Behavioral awareness point of contact; designation; training; duties; registry of local mental health and counseling resources; school district; maintain or have access.

(1) Each school district shall designate one or more school employees as a behavioral awareness point of contact for each school building or other division as determined by such school district. Each behavioral awareness point of contact shall be trained in behavioral awareness and shall have knowledge of community service providers and other resources that are available for the students and families in such school district. The length of such training shall be a reasonable amount as determined by the school board.

(2) Each school district shall maintain or have access to a registry of local mental health and counseling resources. The registry shall include resource services that can be accessed by families and individuals outside of school. Each behavioral awareness point of contact shall coordinate access to support services for students whenever possible. Except as provided in section 43-2101, if information for an external support service is provided to an individual student, school personnel shall notify a parent or

guardian of such student in writing unless such recommendation involves law enforcement or child protective services. Each school district shall indicate each behavioral awareness point of contact for such school district on the website of the school district and in any school directory for the school that the behavioral awareness point of contact serves.

REGULATIONS

No relevant regulations found.

Monitoring and Accountability

Formal Incident Reporting of Conduct Violations

LAWS

R.R.S. Neb. § 79-201. Compulsory education; attendance required; exceptions; reports required.

(5) Each school district that is a member of a learning community shall report to the learning community coordinating council on or before September 1 of each year for the immediately preceding school year the following information:

- (a) All reports of violations of this section made to the attendance officer of any school in the district pursuant to section 79-209;
- (b) The results of all investigations conducted pursuant to section 79-209, including the attendance record that is the subject of the investigation and a list of services rendered in the case;
- (c) The district's policy on excessive absenteeism; and
- (d) Records of all notices served and reports filed pursuant to section 79-209 and the district's policy on habitual truancy.

R.R.S. Neb. § 79-207. Compulsory attendance; entry or withdrawal of student; teachers' attendance reports.

Whenever any child enters or withdraws from any school after the third day in which school is in session, the teacher shall transmit at once the name of such child to the superintendent as specified in section 79-206 and the superintendent shall use such information in whatever way he or she deems necessary for the purpose of enforcing section 79-201. At the end of each week each teacher shall report all absences and the cause of absence to the proper superintendent. At the close of each period each teacher shall transmit to the superintendent a report showing (1) the name, age, and address of each child enrolled, (2) the number of half days each child was absent, (3) the number enrolled and the number attending on the last day of the period, and (4) the average daily attendance for the period. The provisions of this section requiring reports from each teacher shall not apply to individual teachers in schools employing more than one teacher but shall in such case apply to the head teacher, principal, or superintendent who shall obtain the required information from the teachers under his or her supervision or control. All reports and lists required in this section shall be upon blanks prescribed by the State Department of Education.

R.R.S. Neb. § 79-209. Compulsory attendance; nonattendance; school district; duties; collaborative plan; considerations; referral to county attorney; notice.

(1) In all school districts in this state, any superintendent, principal, teacher, or member of the school board who knows of any violation of subsection (2) of section 79-201 shall within three days report such violation to the attendance officer of the school, who shall immediately investigate the case. When of his or her personal knowledge or by report or complaint from any resident of the district, the attendance officer believes that there is a violation of subsection (2) of section 79-201, the attendance officer shall immediately investigate such alleged violation.

REGULATIONS

No relevant regulations found.

Parental Notification

LAWS

R.R.S. Neb. § 79-209. Compulsory attendance; nonattendance; school district; duties; collaborative plan; considerations; referral to county attorney; notice.

(2) All school boards shall have a written policy on attendance developed and annually reviewed in collaboration with the county attorney of the county in which the principal office of the school district is located. The policy shall include a provision indicating how the school district will handle cases in which excessive absences are due to illness. The policy shall also state the circumstances and number of absences or the hourly equivalent upon which the school shall render all services to address barriers to attendance. Such services shall include, but not be limited to:

(a) Verbal or written communication by school officials with the person or persons who have legal or actual charge or control of any child. [...]

(3) The school may report to the county attorney of the county in which the person resides when the school has documented the efforts it has made as required by subsection (2) of this section that the collaborative plan to reduce barriers identified to improve regular attendance has not been successful and that the child has been absent more than twenty days per year. The school shall notify the child's family in writing prior to referring the child to the county attorney. Failure by the school to document the efforts required by subsection (2) of this section is a defense to prosecution under section 79-201 and adjudication for educational neglect under subdivision (3)(a) of section 43-247 and habitual truancy under subdivision (3)(b) of section 43-247. Illness that makes attendance impossible or impracticable shall not be the basis for referral to the county attorney.

R.R.S. Neb. § 79-258. Administrative and teaching personnel; authorized actions.

Administrative and teaching personnel may take actions regarding student behavior, other than those specifically provided in the Student Discipline Act, which are reasonably necessary to aid the student, further school purposes, or prevent interference with the educational process. Such actions may include, but need not be limited to, counseling of students, parent conferences, referral to restorative justice practices or services, rearrangement of schedules, requirements that a student remain in school after regular hours to do additional work, restriction of extracurricular activity, or requirements that a student receive counseling, psychological evaluation, or psychiatric evaluation upon the written consent of a parent or guardian to such counseling or evaluation.

R.R.S. Neb. § 79-260. Notice; when given.

Any statement, notice, recommendation, determination, or similar action specified in the Student Discipline Act shall be effectively given at the time written evidence thereof is delivered personally to or upon receipt of certified or registered mail or upon actual knowledge by a student or his or her parent or guardian.

R.R.S. Neb. § 79-265. Principal; suspend student; grounds; procedure; written statement; conference; guidelines for completion of classwork.

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

R.R.S. Neb. § 79-266. Pre-expulsion procedures; when; expelled student; alternative assignments; suspension of enforcement; agreement between school boards; reinstatement; when; expungement; accept credits; conditions.

(2) If a district does not provide an alternative school, class, or educational program for expelled students, the district shall follow the procedures in this subsection prior to expelling a student unless the expulsion was required by subsection (4) of section 79-283: A conference shall be called by a school administrator and held to assist the district in the development of a plan with the participation of a parent or legal guardian, the student, a school representative, and a representative of either a community organization with a mission of assisting young people or a representative of an agency involved with juvenile justice. The plan shall be in writing and adopted by a school administrator and presented to the student and the parent or legal guardian. The plan shall (a) specify guidelines and consequences for behaviors which have been identified as preventing the student from achieving the desired benefits from the educational opportunities provided, (b) identify educational objectives that must be achieved in order to receive credits toward graduation, (c) specify the financial resources and community programs available to meet both the educational and behavioral objectives identified, and (d) require the student to attend monthly reviews in order to assess the student's progress toward meeting the specified goals and objectives.

R.R.S. Neb. § 79-268. Long-term suspension, expulsion, or mandatory reassignment; procedures; enumerated.

R.R.S. Neb. § 79-268. Long-term suspension, expulsion, or mandatory reassignment; procedures; enumerated.

If a principal makes a decision to discipline a student by long-term suspension, expulsion, or mandatory reassignment, the following procedures shall be followed:

- (1) The decision as to recommend discipline shall be made within two school days after learning of the alleged student misconduct. On the date of the decision, a written charge and a summary of the evidence supporting such charge shall be filed with the superintendent. The school shall, within two school days after the decision, send written notice by registered or certified mail to the student and his or her parent or guardian informing them of the rights established under the Student Discipline Act;
- (2) Such written notice shall include the following:
 - (a) The rule or standard of conduct allegedly violated and the acts of the student alleged to constitute a cause for long-term suspension, expulsion, or mandatory reassignment, including a summary of the evidence to be presented against the student;
 - (b) The penalty, if any, which the principal has recommended in the charge and any other penalty to which the student may be subject;
 - (c) A statement that, before long-term suspension, expulsion, or mandatory reassignment can be invoked, the student has a right to a hearing, upon request, and that if the student is suspended pending the outcome of the hearing, the student may complete classwork and homework, including, but not limited to, examinations, missed during the period of suspension pursuant to district guidelines which shall not require the student to attend the school district's alternative programs for expelled students in order to complete classwork or homework;
 - (d) A description of the hearing procedures provided by the act, along with procedures for appealing any decision rendered at the hearing;
 - (e) A statement that the principal, legal counsel for the school, the student, the student's parent, or the student's representative or guardian has the right (i) to examine the student's academic and disciplinary records and any affidavits to be used at the hearing concerning the alleged misconduct and (ii) to know the identity of the witnesses to appear at the hearing and the substance of their testimony; and

(f) A form on which the student, the student's parent, or the student's guardian may request a hearing, to be signed by such parties and delivered to the principal or superintendent in person or by registered or certified mail to the address provided on such form, as prescribed in sections 79-271 and 79-272;

(3) When a notice of intent to discipline a student by long-term suspension, expulsion, or mandatory reassignment is filed with the superintendent, the student may be suspended by the principal until the date the long-term suspension, expulsion, or mandatory reassignment takes effect if the principal determines that the student must be suspended immediately to prevent or substantially reduce the risk of (a) interference with an educational function or school purpose or (b) a personal injury to the student himself or herself, other students, school employees, or school volunteers; and

(4) For purposes of this section, mandatory reassignment, regardless of its implementation date, shall be subject to the procedures of this section. The Student Discipline Act does not preclude the student or the student's parent, guardian, or representative from discussing and settling the matter with appropriate school personnel prior to the time the long-term suspension, expulsion, or mandatory reassignment takes effect.

R.R.S. Neb. § 79-271. Hearing; not requested within five days; recommended punishment; effect.

If a hearing is not requested under sections 79-268 and 79-269 by the student or the student's parent or guardian within five school days following receipt of the written notice, the punishment recommended in the charge by the principal or his or her designee shall automatically go into effect upon the fifth school day following receipt of the written notice by the student or his or her parent or guardian as required in section 79-268.

R.R.S. Neb. § 79-282. Hearing; hearing examiner; report; contents; review; notice; final disposition; how determined.

(2) A review shall be made of the hearing examiner's report by the superintendent, who may change, revoke, or impose the sanction recommended by the hearing examiner but shall not impose a sanction more severe than that recommended by the hearing examiner. The superintendent shall notify the student or the student's parent or guardian of the superintendent's determination within five school days after receipt of the hearing examiner's report.

R.R.S. Neb. § 79-283. Hearing; final disposition; written notice; effect; period of expulsion; review; when; procedure; readmittance.

(1) Written notice of the findings and recommendations of the hearing examiner and the determination of the superintendent under section 79-282 shall be made by certified or registered mail or by personal delivery to the student or the student's parent or guardian. Upon receipt of such written notice by the student, parent, or guardian, the determination of the superintendent shall take immediate effect unless the student or the student's parent or guardian appeals the written notice of determination of the superintendent pursuant to section 79-285.

R.R.S. Neb. § 79-294. Removal of minor from school premises; release to peace officer; principal or other school official; duties; peace officer; duties; juvenile court review; when.

When a principal or other school official releases a minor student to a peace officer as defined in section 49-801 for the purpose of removing the minor from the school premises, the principal or other school official shall take immediate steps to notify the parent, guardian, or responsible relative of the minor regarding the release of the minor to the officer and regarding the place to which the minor is reportedly being taken, except when a minor has been taken into custody as a victim of suspected child abuse, in which case the principal or other school official shall provide the peace officer with the address and telephone number of the minor's parent or guardian. The peace officer shall take immediate steps to notify the parent, guardian, or responsible relative of the minor that the minor is in custody and the place where he or she is being held. If the peace officer has a reasonable belief that the minor would be

endangered by a disclosure of the place where the minor is being held or that the disclosure would cause the custody of the minor to be disturbed, the peace officer may refuse to disclose the place where the minor is being held for a period not to exceed twenty-four hours. The peace officer shall, however, inform the parent, guardian, or responsible relative whether the child requires and is receiving medical or other treatment. The juvenile court shall review any decision not to disclose the place where the minor is being held at any subsequent detention hearing.

REGULATIONS

No relevant regulations found.

Data Collection, Review, and Reporting of Discipline Policies and Actions

LAWS

R.R.S. Neb. § 79-263. School district; policy regarding firearms; requirements.

- (2) Each school district shall provide annually to the State Department of Education:
- (a) An assurance that the school district has in effect the policy required by subsection (1) of this section; and
 - (b) A description of the circumstances surrounding any expulsions imposed under the policy required by subsection (1) of this section, including:
 - (i) The name of the school concerned;
 - (ii) The number of students expelled from the school; and
 - (iii) The types of weapons concerned.

REGULATIONS

Nebraska Admin. Code Title 92, Ch. 17-004. Reporting procedures.

04.01 Effective with the 1997-98 school year, each school district shall assure, in a manner prescribed by the Department, that the district is in compliance with the requirements of this Chapter.

04.02 Each school district shall annually report, in a manner prescribed by the Department, a description of the circumstances for any expelled student who knowingly and intentionally possessed, used, or transmitted a firearm on school grounds, in a vehicle owned, leased, or contracted by a school being used for a school purpose or in a vehicle being driven for a school purpose by a school employee or his or her designee, or at a school-sponsored activity or athletic event. The report shall include:

004.02A The name of the school concerned.

004.02B The number of students expelled from the school.

004.02C The types of weapons concerned.

004.02D The types of programs to which students have been assigned.

Partnerships between Schools and Law Enforcement

Referrals to Law Enforcement

LAWS

R.R.S. Neb. § 79-293. Nebraska Criminal Code violation; principal or principal's designee; notify law enforcement authorities; immunity.

(1) The principal of a school or the principal's designee shall notify as soon as possible the appropriate law enforcement authorities, of the county or city in which the school is located, of any act of the student as provided in subsection (1) of section 79-262 which the principal or designee knows or suspects is a violation of the Nebraska Criminal Code.

(2) The principal, the principal's designee, or any other school employee reporting an alleged violation of the Nebraska Criminal Code shall not be civilly or criminally liable as a result of any report authorized by this section unless (a) such report was false and the person making such report knew or should have known it was false or (b) the report was made with negligent disregard for the truth or falsity of the report.

R.R.S. Neb. § 79-294. Removal of minor from school premises; release to peace officer; principal or other school official; duties; peace officer; duties; juvenile court review; when.

When a principal or other school official releases a minor student to a peace officer as defined in section 49-801 for the purpose of removing the minor from the school premises, the principal or other school official shall take immediate steps to notify the parent, guardian, or responsible relative of the minor regarding the release of the minor to the officer and regarding the place to which the minor is reportedly being taken, except when a minor has been taken into custody as a victim of suspected child abuse, in which case the principal or other school official shall provide the peace officer with the address and telephone number of the minor's parent or guardian. The peace officer shall take immediate steps to notify the parent, guardian, or responsible relative of the minor that the minor is in custody and the place where he or she is being held. If the peace officer has a reasonable belief that the minor would be endangered by a disclosure of the place where the minor is being held or that the disclosure would cause the custody of the minor to be disturbed, the peace officer may refuse to disclose the place where the minor is being held for a period not to exceed twenty-four hours. The peace officer shall, however, inform the parent, guardian, or responsible relative whether the child requires and is receiving medical or other treatment. The juvenile court shall review any decision not to disclose the place where the minor is being held at any subsequent detention hearing.

R.R.S. Neb. § 79-2,704. Memorandum of understanding; contents.

Each memorandum of understanding required by section 79-2703 shall govern the use of school resource officers or security guards and shall include, but not be limited to, policies that:

(6) Identify the school policy required by section 79-262 that addresses the type or category of student conduct or actions that will be referred to law enforcement for prosecution and the type of student conduct or actions that will be resolved as a disciplinary matter by a school official and not subject to referral to law enforcement.

REGULATIONS

No relevant regulations found.

School Resource Officer (SRO) or School Security Officer (SSO) Training or Certification

LAWS

R.R.S. Neb. § 79-2,704. Memorandum of understanding; contents.

Each memorandum of understanding required by section 79-2703 shall govern the use of school resource officers or security guards and shall include, but not be limited to, policies that:

- (1) Require each school resource officer or security guard to attend a minimum of twenty hours of training focused on school-based law enforcement, including, but not limited to, coursework focused on school law, student rights, understanding special needs students and students with disabilities, conflict de-escalation techniques, ethics for school resource officers, teenage brain development, adolescent behavior, implicit bias training, diversity and cultural awareness, trauma-informed responses, and preventing violence in school settings;
- (2) Require a minimum of one administrator in each elementary or secondary school where a school resource officer or security guard is assigned to attend a minimum of twenty hours of training focused on school-based law enforcement, including, but not limited to, coursework focused on school law, student rights, understanding special needs students and students with disabilities, conflict de-escalation techniques, ethics for school resource officers and security guards, teenage brain development, adolescent behavior, implicit bias training, diversity and cultural awareness, trauma-informed responses, and preventing violence in school settings.

REGULATIONS

No relevant regulations found.

Authorizations, Memoranda of Understanding (MOUs), and/or Funding

LAWS

R.R.S. Neb. § 79-2,701. Legislative findings and declarations.

The Legislature finds and declares that:

- (1) Our public school children, faculty, and staff are entitled to be safe in schools when they attend school and study or work;
- (2) Schools have an interest in keeping students safe;
- (3) The interest of schools in keeping students safe may include the presence of school resource officers or security guards if a school district determines such resources are necessary to keep schools safe;
- (4) Parents and guardians of students have a vested interest in being informed of school discipline matters involving their children and to be notified as soon as possible if their children are contacted in response to a possible law violation, questioned, searched, cited, or arrested by a peace officer working with school officials;
- (5) A comprehensive and clear memorandum of understanding between law enforcement and school officials will delineate the roles and responsibilities of school resource officers, security guards, and school officials to balance the interests of safety for students and school staff in relation to parental rights, student success, and family integrity, with the goal that an increased law enforcement presence at schools will not result in a disparate impact on students in federally identified demographic categories; and
- (6) Schools have a duty to respond to and manage disciplinary issues. The primary role of school resource officers and security officers should be to enhance safety with the understanding that school

resource officers also work to prevent and respond to law violations and serve as a community resource for students, parents, and school staff.

R.R.S. Neb. § 79-2,702. Terms, defined.

For purposes of sections 79-2701 to 79-2704, unless the context otherwise requires:

- (1) Department means the State Department of Education;
- (2) Law enforcement agency means an agency or department of this state or of any political subdivision of this state that is responsible for the prevention and detection of crime, the enforcement of the penal, traffic, or highway laws of this state or any political subdivision of this state, and the enforcement of arrest warrants. Law enforcement agency includes a police department, an office of a town marshal, an office of a county sheriff, the Nebraska State Patrol, and any department to which a deputy state sheriff is assigned as provided in section 84-106;
- (3) Peace officer has the same meaning as in section 28-109;
- (4) School resource officer means any peace officer who is assigned, as his or her primary duty, to any school district to provide law enforcement and security services to any public elementary or secondary school and does not mean a peace officer responding to a call for service, providing proactive enforcement, providing law enforcement or traffic direction for a school-related event, or providing temporary services as a school resource officer when the assigned school resource officer is not available;
- (5) Security agency means a contractor that employs security guards used by a school district; and
- (6) Security guard means a person who is contracted or employed by a security agency to protect buildings and people and who does not have law enforcement authority or the power to arrest under any apparent authority in the jurisdiction where such person is contracted or employed as a security guard. A security guard may be an off-duty peace officer.

R.R.S. Neb. § 79-2,703. Model memorandum of understanding; department; develop and distribute; school district; superintendent; duties.

- (1) On or before December 1, 2019, the department shall develop and distribute a model memorandum of understanding that includes the policies required by section 79-2704. Any law enforcement agency or security agency required to adopt a memorandum of understanding with a school district pursuant to this section that has not developed and adopted a different written memorandum of understanding shall adopt the model memorandum of understanding developed by the department.
- (2) On and after January 1, 2021, any law enforcement agency which provides school resource officers and any security agency which provides security guards to schools in a school district shall have in effect the model memorandum of understanding or a different written memorandum of understanding with such school district as adopted by such law enforcement agency or security agency. Such different written memorandum of understanding shall be substantially similar to the model memorandum of understanding, shall include provisions in conformance with the minimum standards set forth in the model memorandum of understanding, and may include any other procedures and provisions the school district and the law enforcement agency or security agency mutually deem appropriate.
- (3) The superintendent of a school district required to adopt a memorandum of understanding under this section shall, within three months after its adoption, provide a copy of such memorandum of understanding to the department or publicly post such memorandum of understanding on the school district web site.
- (4) On or before January 1, 2021, and each January 1 thereafter, when any school district required to adopt a memorandum of understanding under this section has made any change to its memorandum of understanding, in conjunction with the law enforcement agency or security agency, in the preceding year, the superintendent of such school district shall provide an updated copy of such memorandum of

understanding to the department or publicly post such memorandum of understanding on the school district web site.

R.R.S. Neb. § 79-2,704. Memorandum of understanding; contents.

Each memorandum of understanding required by section 79-2703 shall govern the use of school resource officers or security guards and shall include, but not be limited to, policies that:

- (1) Require each school resource officer or security guard to attend a minimum of twenty hours of training focused on school-based law enforcement, including, but not limited to, coursework focused on school law, student rights, understanding special needs students and students with disabilities, conflict de-escalation techniques, ethics for school resource officers, teenage brain development, adolescent behavior, implicit bias training, diversity and cultural awareness, trauma-informed responses, and preventing violence in school settings;
- (2) Require a minimum of one administrator in each elementary or secondary school where a school resource officer or security guard is assigned to attend a minimum of twenty hours of training focused on school-based law enforcement, including, but not limited to, coursework focused on school law, student rights, understanding special needs students and students with disabilities, conflict de-escalation techniques, ethics for school resource officers and security guards, teenage brain development, adolescent behavior, implicit bias training, diversity and cultural awareness, trauma-informed responses, and preventing violence in school settings;
- (3) Ensure records are kept on each student referral for prosecution from a school resource officer in response to an incident occurring at school, on school grounds, or at a school-sponsored event and ensure that such records allow for analysis of related data and delineate:
 - (a) The reason for such referral; and
 - (b) Federally identified demographic characteristics of such student;
- (4) Identify school policies that address when a parent or guardian will be notified or present, in a language that such parent or guardian understands, if a student is subjected to questioning or interrogation by a school official or by a school resource officer or security guard operating in conjunction with a school official;
- (5) Identify the school or law enforcement agency policies that address under what circumstances a student will be advised of constitutional rights prior to being questioned or interrogated by a school official or by a school resource officer or security guard operating in conjunction with a school official;
- (6) Identify the school policy required by section 79-262 that addresses the type or category of student conduct or actions that will be referred to law enforcement for prosecution and the type of student conduct or actions that will be resolved as a disciplinary matter by a school official and not subject to referral to law enforcement; and
- (7) Identify a student and parent complaint process to express a concern or file a complaint about a school resource officer or security guard and the practices of such school resource officer or security guard with the law enforcement agency or security agency.

REGULATIONS

No relevant regulations found.

Threat Assessment Protocols

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

State-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Nebraska provide additional context to state policy and regulations and, in some cases, may support the readers' efforts to provide a positive disciplinary school climate.

Title	Description	Website address (if applicable)
<i>Website</i>		
Bullying Policy Development, Nebraska Department of Education (NDE)	Components of an anti-bullying policy.	https://www.education.ne.gov/safety/bullying-cyberbullying/bullying-policy-development/
Bullying Prevention, NDE	Describes bullying prevention efforts in Nebraska schools and provides links to resources for schools to address the issue of bullying in schools.	https://www.education.ne.gov/safety/bullying-prevention/
Nebraska Positive Behavioral Interventions and Support (PBIS), NDE	Provides program information and links to resources for the Positive Behavioral Interventions and Support program in Nebraska schools.	https://www.education.ne.gov/NPBIS/Index.html
Creating Trauma-Sensitive Schools	Provides information and resources to support educators in creating trauma-sensitive schools.	https://www.education.ne.gov/csss/creating-trauma-sensitive-schools/
Nebraska School Safety Center, NDE	Provides an overview on School Safety and links to subtopics including bullying prevention and school safety training.	www.education.ne.gov/safety
NeMTSS Framework	Provides resource and informative presentations on MTSS framework. Provides information and background on the use and implementation of MTSS in Nebraska.	http://nemtss.unl.edu/
Response to Intervention Framework (Rtl) in Nebraska, NDE	Provides information and additional resources on Nebraska's Rtl framework including essential elements of Rtl, instruction, and parental involvement.	https://www.education.ne.gov/nemts/rtl-framework-in-nebraska/

Social and Emotional Learning (SEL), NDE	Provides an overview of SEL and additional resources to organizations and programs to help guide schools and educators in implementation of SEL.	https://www.education.ne.gov/socialstudies/social-and-emotional-learning/
Title	Description	Website address (if applicable)
<i>Documents</i>		
Agents of Change for Equity Playbook, NDE	Provides guidance and resources on achieving an equal system of support and services for each student.	https://ndeday.education.ne.gov/wp-content/uploads/2019/08/2019AdminDaysKeynoteHandout.pdf
Developing School Policies & Procedures for Physical Restraint and Seclusion in Nebraska Schools (June 2010), NDE	Technical assistance document for Nebraska School districts to create or revise policies and procedures related to the use of physical restraint and seclusion in school settings.	http://www.education.ne.gov/documents/Restraint-Seclusion_final_guidance_document_6-22-10.pdf
The Four Elements of Bullying Flowchart, NDE	A visual guide of understanding the four elements of bullying. Document also contains additional bullying prevention resources for educators, students, and families.	https://cdn.education.ne.gov/wp-content/uploads/2017/07/Bullying_Flowchart.pdf
<i>Other Resources</i>		
Nebraska MTSS 2020 Summit Presentations	Various presentations from the 2020 NeMTSS Summit to serve as additional resources and guidance for MTSS implementation.	http://nemtss.unl.edu/nebraska-mtss-summit/#wk1
School Climate Surveys, NDE	Resource library with links to national school climate surveys which cover topics such as student behavior and school safety.	https://www.education.ne.gov/safety/school-climate-survey/
Student Safety and Student Success Video Series (2021), NDE	Video series developed on school safety for school staff covering topics such as mental health, student behavior and school climate data.	https://www.education.ne.gov/safety/school-safety-and-student-success/