

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 205**

FINAL READING

Introduced by Howard, 9; Ashford, 20; Avery, 28; Hudkins, 21;  
Kopplin, 3; Kruse, 13; Nantkes, 46; Preister, 5;  
Adams, 24.

Read first time January 9, 2007

Committee: Education

A BILL

1 FOR AN ACT relating to schools; to amend section 79-267, Revised  
2 Statutes Cumulative Supplement, 2006; to provide for  
3 a bullying policy; to change provisions relating to  
4 student discipline; to repeal the original section; and  
5 to declare an emergency.

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

1           Section 1. (1) The Legislature finds and declares that:

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

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

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

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

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

16           Sec. 2. Section 79-267, Revised Statutes Cumulative  
17 Supplement, 2006, is amended to read:

18           79-267 The following student conduct shall constitute  
19 grounds for long-term suspension, expulsion, or mandatory  
20 reassignment, subject to the procedural provisions of the Student  
21 Discipline Act, when such activity occurs on school grounds, in  
22 a vehicle owned, leased, or contracted by a school being used  
23 for a school purpose or in a vehicle being driven for a school  
24 purpose by a school employee or by his or her designee, or at a  
25 school-sponsored activity or athletic event:

1           (1) Use of violence, force, coercion, threat,  
2 intimidation, or similar conduct in a manner that constitutes a  
3 substantial interference with school purposes;

4           (2) Willfully causing or attempting to cause substantial  
5 damage to property, stealing or attempting to steal property of  
6 substantial value, or repeated damage or theft involving property;

7           (3) Causing or attempting to cause personal injury to a  
8 school employee, to a school volunteer, or to any student. Personal  
9 injury caused by accident, self-defense, or other action undertaken  
10 on the reasonable belief that it was necessary to protect some  
11 other person shall not constitute a violation of this subdivision;

12           (4) Threatening or intimidating any student for the  
13 purpose of or with the intent of obtaining money or anything of  
14 value from such student;

15           (5) Knowingly possessing, handling, or transmitting any  
16 object or material that is ordinarily or generally considered a  
17 weapon;

18           (6) Engaging in the unlawful possession, selling,  
19 dispensing, or use of a controlled substance or an imitation  
20 controlled substance, as defined in section 28-401, a substance  
21 represented to be a controlled substance, or alcoholic liquor  
22 as defined in section 53-103 or being under the influence of a  
23 controlled substance or alcoholic liquor;

24           (7) Public indecency as defined in section 28-806, except  
25 that this subdivision shall apply only to students at least twelve

1 years of age but less than nineteen years of age;

2 (8) Engaging in bullying as defined in section 1 of this  
3 act;

4 ~~(8)~~ (9) Sexually assaulting or attempting to sexually  
5 assault any person if a complaint has been filed by a prosecutor  
6 in a court of competent jurisdiction alleging that the student has  
7 sexually assaulted or attempted to sexually assault any person,  
8 including sexual assaults or attempted sexual assaults which occur  
9 off school grounds not at a school function, activity, or event.  
10 For purposes of this subdivision, sexual assault means sexual  
11 assault in the first degree as defined in section 28-319, sexual  
12 assault in the second degree as defined in section 28-320, sexual  
13 assault of a child in the second or third degree as defined in  
14 section 28-320.01, or sexual assault of a child in the first degree  
15 as defined in section 28-319.01, as such sections now provide or  
16 may hereafter from time to time be amended;

17 ~~(9)~~ (10) Engaging in any other activity forbidden by the  
18 laws of the State of Nebraska which activity constitutes a danger  
19 to other students or interferes with school purposes; or

20 ~~(10)~~ (11) A repeated violation of any rules and standards  
21 validly established pursuant to section 79-262 if such violations  
22 constitute a substantial interference with school purposes.

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

1                   Sec. 3. Original section 79-267, Revised Statutes  
2 Cumulative Supplement, 2006, is repealed.

3                   Sec. 4. Since an emergency exists, this act takes effect  
4 when passed and approved according to law.