

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 352

Introduced by Ballard, 21; Conrad, 46; Murman, 38.

Read first time January 16, 2025

Committee: Education

- 1 A BILL FOR AN ACT relating to education; to amend section 79-760.05,
- 2 Reissue Revised Statutes of Nebraska; to change provisions relating
- 3 to reports on student achievement and on student discipline required
- 4 under the Quality Education Accountability Act; to eliminate
- 5 obsolete provisions; and to repeal the original section.
- 6 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 79-760.05, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 79-760.05 (1) The State Board of Education shall implement a
4 statewide system for tracking individual student achievement, using the
5 student identifier system of the State Department of Education, that can
6 be aggregated to track student progress by demographic characteristics,
7 including, but not limited to, race, poverty, high mobility, attendance,
8 and limited English proficiency, on available measures of student
9 achievement which include, but need not be limited to, national
10 assessment instruments, state assessment instruments, and the indicators
11 used in the accountability system required pursuant to section 79-760.06.
12 Such a system shall be designed so as to aggregate student data by
13 available educational input characteristics, which may include class
14 size, teacher education, teacher experience, special education, early
15 childhood programs, federal programs, and other targeted education
16 programs. School districts shall provide the department with individual
17 student achievement data from assessment instruments required pursuant to
18 section 79-760.03 in order to implement the statewide system.

19 (2)(a) ~~The On or before August 1, 2022,~~ the state board shall also
20 implement a statewide system for tracking individual student discipline,
21 using the student identifier system of the department, that can be
22 aggregated to track student discipline by type of discipline and
23 demographic characteristics, including, but not limited to, race,
24 poverty, high mobility, attendance, disability, and limited English
25 proficiency. The State Board of Education shall make a database for the
26 public that contains all student discipline data, de-identified. The
27 database shall be searchable by school district, school building,
28 offense, type of discipline imposed, type of school resource officer or
29 other law enforcement involvement, type of restraint, if any, and type of
30 seclusion, if any. The state board shall cause each school district to
31 track and to annually report to the State Board of Education, by

1 individual student, every any:

2 (i) Act by a student resulting in an in-school suspension, a short-
3 term suspension, a long-term suspension, a one-semester expulsion, a two-
4 semester expulsion, an assignment to an alternative school or to an
5 alternative-learning program, the use of any physical intervention by an
6 employee of the school district with such student, or any the restraint
7 or seclusion of such student;

8 (ii) Offense by a student constituting grounds for a long-term
9 suspension, an expulsion, or a mandatory reassignment pursuant to section
10 79-267, regardless of consequences assigned; and

11 (iii) Act by a student resulting in school resource officer or other
12 law enforcement involvement, including any incident reported to law
13 enforcement or to an onsite school resource officer, and any school-
14 related citation or arrest.

15 (b) For purposes of this subsection, school-related citation or
16 arrest shall include a citation or arrest of a student:

17 (i) For for any activity conducted on school grounds;

18 (ii) In in a vehicle owned, leased, or contracted by a school being
19 used for a school purpose or in a vehicle being driven for a school
20 purpose by a school employee or by such employee's designee;

21 (iii) At or at a school-sponsored activity or athletic event; or -

22 (iv) Arising out of involvement by a school resource officer or
23 other law enforcement.

24 (c) The system for tracking individual student discipline may also
25 be used to record other disciplinary incidents.

26 (d) The State Board of Education shall cause each school district to
27 Each school shall designate at least one discipline data coordinator for
28 the purposes of gathering and reporting the discipline data required
29 pursuant to this subsection. The contact information for such discipline
30 data coordinator shall be published on the school district's website.

31 (3) The department shall annually analyze and report on student

1 achievement and on student discipline for the state, each school
2 district, each public school, and each learning community aggregated by
3 the demographic characteristics described in subsection (1) of this
4 section. The department shall report the findings to the Governor, the
5 Legislature, school districts, educational service units, and each
6 learning community. The report submitted to the Legislature shall be
7 submitted electronically. The report shall also be electronically
8 available to the public on the department's website. Such analysis shall
9 include aggregated and disaggregated data such that would indicate
10 differences in achievement and differences in student discipline shall be
11 made based on the demographic due to available educational input
12 characteristics described in subsection (1) of this section and the types
13 of discipline described in subsection (2) of this section. Such analysis
14 shall include indicators of progress toward state academic achievement
15 goals and indicators of progress toward decreased discipline for students
16 in poverty, limited English proficient students, students with
17 disabilities, and highly mobile students. The report shall not identify
18 any particular student.

19 (4) If the Commissioner of Education determines that any school
20 district has intentionally refused, in a material manner, to comply with
21 this section, the commissioner shall notify the school district of the
22 noncompliance and allow the school district a reasonable time to comply.
23 If the commissioner determines, after such time has elapsed, that the
24 school district is not in compliance and has not made a good-faith
25 attempt to comply, the commissioner shall take appropriate remedial
26 action within the commissioner's authority, up to and including
27 qualifying such noncompliance as a violation of the rules and regulations
28 for the accreditation of schools.

29 **Sec. 2.** Original section 79-760.05, Reissue Revised Statutes of
30 Nebraska, is repealed.