

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 430

Introduced by Murman, 38; Andersen, 49; Clements, 2; Ibach, 44;
Lippincott, 34; Lonowski, 33.

Read first time January 17, 2025

Committee:

- 1 A BILL FOR AN ACT relating to schools; to amend sections 79-265,
- 2 79-265.01, and 79-268, Reissue Revised Statutes of Nebraska; to
- 3 change provisions relating to short-term and long-term suspension;
- 4 to provide an additional exception to the prohibition on suspending
- 5 a student in pre-kindergarten through second grade; and to repeal
- 6 the original sections.
- 7 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 79-265, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 79-265 (1) Except as provided in section 79-265.01, the principal
4 may deny any student the right to attend school or to take part in any
5 school function for a period of up to five school days on the following
6 grounds:

7 (a) Conduct constituting grounds for expulsion as set out in the
8 Student Discipline Act; or

9 (b) Any other violation of rules and standards of behavior adopted
10 under the act.

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

16 (3) Before such short-term suspension takes effect, the student
17 shall be given oral or written notice of the charges against him or her,
18 an explanation of the evidence the authorities have, and an opportunity
19 to present his or her version.

20 ~~(4)(a) (4)~~ Within twenty-four hours or such additional time as is
21 reasonably necessary, not to exceed an additional forty-eight hours,
22 following such suspension, the principal shall send a written statement
23 to the student and his or her parent or guardian describing:

24 (i) The the student's conduct, misconduct, or violation of the rule
25 or standard; and

26 (ii) The the reasons for the action taken; -

27 (iii) The actions made by the school to try to discontinue or
28 alleviate the behavior of the student prior to considering suspension;

29 (iv) Resources the school can provide or recommend to assist the
30 student; and

31 (v) How the school plans to handle such behavior moving forward,

1 including an actionable plan aimed at maximizing strategies to keep the
2 student in school.

3 (b) The principal shall make a reasonable effort to hold a
4 conference with the parent or guardian before or at the time the student
5 returns to school and shall document such effort in writing.

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

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

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

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

20 (b) Engages in violent behavior capable of causing physical harm to
21 another student or school employee.

22 **Sec. 3.** Section 79-268, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 79-268 If a principal makes a decision to discipline a student by
25 long-term suspension, expulsion, or mandatory reassignment, the following
26 procedures shall be followed:

27 (1) The decision as to recommend discipline shall be made within two
28 school days after learning of the alleged student misconduct. On the date
29 of the decision, a written charge and a summary of the evidence
30 supporting such charge shall be filed with the superintendent. The school
31 shall, within two school days after the decision, send written notice by

1 registered or certified mail to the student and his or her parent or
2 guardian informing them of the rights established under the Student
3 Discipline Act;

4 (2) Such written notice shall include the following:

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

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

11 (c) Resources the school can provide or recommend to assist the
12 student;

13 (d) How the school plans to handle such behavior moving forward,
14 including an actionable plan aimed at maximizing strategies to keep the
15 student in school;

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

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

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

1 testimony; and

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

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

16 (4) For purposes of this section, mandatory reassignment, regardless
17 of its implementation date, shall be subject to the procedures of this
18 section.

19 The Student Discipline Act does not preclude the student or the
20 student's parent, guardian, or representative from discussing and
21 settling the matter with appropriate school personnel prior to the time
22 the long-term suspension, expulsion, or mandatory reassignment takes
23 effect.

24 **Sec. 4.** Original sections 79-265, 79-265.01, and 79-268, Reissue
25 Revised Statutes of Nebraska, are repealed.