

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 136

Introduced by Vargas, 7.

Read first time January 07, 2021

Committee: Education

1 A BILL FOR AN ACT relating to the Student Discipline Act; to amend
2 section 79-265, Reissue Revised Statutes of Nebraska; to change
3 procedures regarding short-term suspensions; and to repeal the
4 original section.

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

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

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

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

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

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

26 (5) Any student who is suspended pursuant to this section may be
27 given an opportunity to complete any classwork, including, but not
28 limited to, examinations, missed during the period of suspension. Each
29 public school district shall develop and adopt guidelines stating the
30 criteria school officials shall use in determining whether and to what
31 extent such opportunity for completion will be granted to suspended

1 students. The guidelines shall be provided to the student and parent or
2 guardian at the time of suspension.

3 (6) Any student who is suspended pursuant to this section shall be
4 subject to the procedures set out in the Student Discipline Act that are
5 applicable to a long-term suspension if the student, in the same semester
6 that the short-term suspension is to be implemented, has already been
7 suspended two or more times from one or more schools in the school
8 district and such prior suspensions have excluded the student from
9 attendance for a total of nine or more school days.

10 Sec. 2. Original section 79-265, Reissue Revised Statutes of
11 Nebraska, is repealed.