

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 518

Introduced by Morfeld, 46.

Read first time January 19, 2021

Committee: Education

- 1 A BILL FOR AN ACT relating to the Student Discipline Act; to amend
- 2 section 79-267, Reissue Revised Statutes of Nebraska; to add conduct
- 3 constituting grounds for long-term suspension, expulsion, or
- 4 mandatory reassignment; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-267, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 79-267 The following student conduct shall constitute grounds for
4 long-term suspension, expulsion, or mandatory reassignment, subject to
5 the procedural provisions of the Student Discipline Act, when such
6 activity occurs on school grounds, in a vehicle owned, leased, or
7 contracted by a school being used for a school purpose or in a vehicle
8 being driven for a school purpose by a school employee or by his or her
9 designee, or at a school-sponsored activity or athletic event:

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

13 (2) Willfully causing or attempting to cause substantial damage to
14 property, stealing or attempting to steal property of substantial value,
15 or repeated damage or theft involving property;

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

21 (4) Threatening or intimidating any student for the purpose of or
22 with the intent of obtaining money or anything of value from such
23 student;

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

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

31 (7) Public indecency as defined in section 28-806, except that this

1 subdivision shall apply only to students at least twelve years of age but
2 less than nineteen years of age;

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

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

16 (10) Engaging in any kind of surreptitious electronic surveillance
17 on any property of a public school or during remote learning occurring on
18 a school district-approved platform, without the knowledge of the person
19 or persons being observed. Surreptitious electronic surveillance means a
20 person intruding upon the privacy of other persons by secretly listening
21 to, monitoring, or recording, or attempting to listen to, monitor, or
22 record, by means of any mechanical, electronic, or other listening
23 device, any conversation engaged in by the other persons, unless
24 authorized to do so by all participants engaging in the conversation.
25 This subsection does not apply to any electronic surveillance (a)
26 authorized by a court order issued to a public officer, based upon a
27 showing of probable cause to believe that criminal activity is occurring
28 on the property of the public school under surveillance; (b) by a party
29 or witness to a conversation who has a reasonable belief that there is an
30 ongoing criminal act in the process of being committed; (c) by a law
31 enforcement agency pursuant to a criminal investigation; (d) which is

1 necessary as part of a system of security used to protect and ensure the
2 safety of persons on the property of the public school; or (e) of a class
3 or laboratory when authorized by the teacher of the class or laboratory.

4 ~~(11)~~ ~~(10)~~ Engaging in any other activity forbidden by the laws of
5 the State of Nebraska which activity constitutes a danger to other
6 students or interferes with school purposes; or

7 ~~(12)~~ ~~(11)~~ A repeated violation of any rules and standards validly
8 established pursuant to section 79-262 if such violations constitute a
9 substantial interference with school purposes.

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

13 Sec. 2. Original section 79-267, Reissue Revised Statutes of
14 Nebraska, is repealed.