

LEGISLATURE OF NEBRASKA  
ONE HUNDRED NINTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 149**

Introduced by Hansen, 16.

Read first time January 13, 2025

Committee: Education

1 A BILL FOR AN ACT relating to schools; to amend sections 79-263, 79-265,  
2 and 79-267, Reissue Revised Statutes of Nebraska; to eliminate the  
3 prohibition regarding suspending a student that is in pre-  
4 kindergarten through second grade; to harmonize provisions; to  
5 repeal the original sections; and to outright repeal section  
6 79-265.01, Reissue Revised Statutes of Nebraska.

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

1           **Section 1.** Section 79-263, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           79-263 (1) ~~Each~~ ~~Except as provided in section 79-265.01,~~ each school  
4 district shall adopt a policy requiring the expulsion from school for a  
5 period of not less than one year of any student who is determined to have  
6 knowingly and intentionally possessed, used, or transmitted a firearm on  
7 school grounds, in a vehicle owned, leased, or contracted by a school  
8 being used for a school purpose or in a vehicle being driven for a school  
9 purpose by a school employee or his or her designee, or at a school-  
10 sponsored activity or athletic event. For purposes of this section,  
11 firearm means a firearm as defined in 18 U.S.C. 921. The policy shall  
12 authorize the superintendent or the school board or board of education to  
13 modify the expulsion requirement on an individual basis.

14           (2) Each school district shall provide annually to the State  
15 Department of Education:

16           (a) An assurance that the school district has in effect the policy  
17 required by subsection (1) of this section; and

18           (b) A description of the circumstances surrounding any expulsions  
19 imposed under the policy required by subsection (1) of this section,  
20 including:

21           (i) The name of the school concerned;

22           (ii) The number of students expelled from the school; and

23           (iii) The types of weapons concerned.

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

26           79-265 (1) ~~The~~ ~~Except as provided in section 79-265.01,~~ the  
27 principal may deny any student the right to attend school or to take part  
28 in any school function for a period of up to five school days on the  
29 following grounds:

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

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

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

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

12 (4) Within twenty-four hours or such additional time as is  
13 reasonably necessary, not to exceed an additional forty-eight hours,  
14 following such suspension, the principal shall send a written statement  
15 to the student and his or her parent or guardian describing the student's  
16 conduct, misconduct, or violation of the rule or standard and the reasons  
17 for the action taken. The principal shall make a reasonable effort to  
18 hold a conference with the parent or guardian before or at the time the  
19 student returns to school and shall document such effort in writing.

20 **Sec. 3.** Section 79-267, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 79-267 ~~The~~ Except as provided in section 79-265.01, the following  
23 student conduct shall constitute grounds for long-term suspension,  
24 expulsion, or mandatory reassignment, subject to the procedural  
25 provisions of the Student Discipline Act, when such activity occurs on  
26 school grounds, in a vehicle owned, leased, or contracted by a school  
27 being used for a school purpose or in a vehicle being driven for a school  
28 purpose by a school employee or by his or her designee, or at a school-  
29 sponsored activity or athletic event:

30 (1) Use of violence, force, coercion, threat, intimidation, or  
31 similar conduct in a manner that constitutes a substantial interference

1 with school purposes;

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

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

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

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

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

20 (7) Public indecency as defined in section 28-806, except that this  
21 subdivision shall apply only to students at least twelve years of age but  
22 less than nineteen years of age;

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

24 (9) Sexually assaulting or attempting to sexually assault any person  
25 if a complaint has been filed by a prosecutor in a court of competent  
26 jurisdiction alleging that the student has sexually assaulted or  
27 attempted to sexually assault any person, including sexual assaults or  
28 attempted sexual assaults which occur off school grounds not at a school  
29 function, activity, or event. For purposes of this subdivision, sexual  
30 assault means sexual assault in the first degree as defined in section  
31 28-319, sexual assault in the second degree as defined in section 28-320,

1 sexual assault of a child in the second or third degree as defined in  
2 section 28-320.01, or sexual assault of a child in the first degree as  
3 defined in section 28-319.01, as such sections now provide or may  
4 hereafter from time to time be amended;

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

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

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

14 **Sec. 4.** Original sections 79-263, 79-265, and 79-267, Reissue  
15 Revised Statutes of Nebraska, are repealed.

16 **Sec. 5.** The following section is outright repealed: Section  
17 79-265.01, Reissue Revised Statutes of Nebraska.