

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 49

Introduced by McKinney, 11.

Read first time January 09, 2025

Committee: Education

- 1 A BILL FOR AN ACT relating to schools; to amend section 79-405, Reissue
- 2 Revised Statutes of Nebraska; to change provisions relating to a
- 3 school district's powers as a body corporate; to provide powers and
- 4 duties to the State Board of Education and school districts relating
- 5 to ban and bar actions; and to repeal the original section.
- 6 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 79-405, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 79-405 (1) Except as provided in subsection (2) of this section,
4 every Every duly organized school district shall be a body corporate and
5 possess all the usual powers of a corporation for public purposes, may
6 sue and be sued, and may purchase, hold, and sell such personal and real
7 estate as the law allows. The county in which the principal office of the
8 school district is located together with the school district number
9 assigned pursuant to section 79-307 shall constitute the corporate name
10 of the school district, such as County School District

11 (2) The general authority of a school district to restrict access to
12 school property and school activities in order to protect students,
13 school staff, and other individuals, shall be subject to the limitations
14 provided in section 2 of this act.

15 **Sec. 2.** (1) For purposes of this section:

16 (a) Ban and bar action means any action by a school district to
17 prohibit students, family members of students, or other individuals from
18 being on school property, attending school activities, or communicating
19 with school officials, subject to enforcement as criminal trespass under
20 sections 28-520 to 28-522 if an individual violates a ban and bar action;

21 (b) Board means the State Board of Education;

22 (c) School board has the same meaning as in section 79-101; and

23 (d) School district has the same meaning as in section 79-101.

24 (2)(a) On or before January 1, 2026, the board shall develop and
25 distribute a model policy relating to a ban and bar action. Such policy
26 shall:

27 (i) Specify that a ban and bar action by a school district shall
28 only be used in response to an immediate and significant threat of harm
29 to a student, school official, or other individual or to facilitate the
30 enforcement of a court order;

31 (ii) Specify that any ban and bar action shall be limited in scope

1 and duration in such a manner to accommodate the right of parents and
2 family members to be involved in their child's education and, in no event
3 exceed one calendar year unless otherwise required by court order;

4 (iii) Protect the right of parents to be involved in the education
5 of their children and their right to contest, appeal, or otherwise
6 challenge a ban and bar action;

7 (iv) Not discriminate or be applied in a discriminatory manner
8 against any family members on the basis of race, color, religion, sex,
9 disability, or national origin;

10 (v) Provide that any individual subject to a ban and bar action
11 shall be given written notice of such action that includes the term of
12 the ban and bar action, a description of the conduct giving rise to the
13 ban and bar action and the evidence the school district has of such
14 conduct, and instructions on how to appeal such ban and bar action; and

15 (vi) Not be used against a student of the school district.

16 (b) Any individual subject to a ban and bar action may request a
17 hearing before the school board. The individual may appear at the hearing
18 to contest the issuance or scope of the ban and bar action. An appeal
19 shall be requested in writing and delivered to the school board within
20 ten days after receipt of notice by the individual of the ban and bar
21 action. Such individual may be represented by counsel at such
22 individual's expense. The school board shall hear an appeal pursuant to
23 this section within thirty days after receipt of an appeal request.

24 (2) On or before July 1, 2026, each public school district shall
25 either adopt the model policy or adopt a policy consistent with the model
26 policy.

27 **Sec. 3.** Original section 79-405, Reissue Revised Statutes of
28 Nebraska, is repealed.