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**5035**  
**Student Discipline**

4 Administrative and teaching personnel may take actions regarding student behavior, other than those specifically provided in this policy and the Student Discipline Act, which are reasonably necessary to aid the student, further school purposes, or prevent interference with the educational process. Such actions may include, but need not be limited to, counseling of students, parent conferences, rearrangement of schedules, requirements that a student remain in school after regular hours to do additional work, restriction of extracurricular activity, or requirements that a student receive counseling, psychological evaluation, or psychiatric evaluation upon the written consent of a parent or guardian to such counseling or evaluation. Disciplinary consequences may also include in-school suspension, Saturday School, and any other consequence authorized by law. District administrators may develop building-specific protocols for the imposition of student discipline.

17 In this policy, references to "Principal" shall include building principals, the principal's designee, or other appropriate school district administrators.

20 Any statement, notice, recommendation, determination, or similar action specified in this policy shall be effectively given at the time written evidence thereof is delivered personally to or upon receipt of certified or registered mail or upon actual knowledge by a student or his or her parent or guardian.

25 Any student who is suspended or expelled from school pursuant to this policy may not participate in any school activity during the duration of that exclusion including adjacent school holidays and weekends. The student activity eligibility of a student who is mandatorily reassigned shall be determined on a case-by-case basis by the principal of the building to which the student is reassigned.

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**Short-Term Suspension**

33 The Principal may exclude students from school or any school function for a period of up to five school days (short-term suspension) on the following grounds:

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1. Conduct constituting grounds for expulsion as hereinafter set forth; or,
  2. Other violations of rules and standards of behavior adopted by the Board of Education or the administrative or teaching staff of the school, that occur on or off school grounds, if such conduct interferes with school purposes or there is a connection between such conduct and school.

43 The following process applies to short-term suspension:

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1. The Principal shall make a reasonable investigation of the facts and circumstances. Short-term suspension shall be imposed only after a

determination that the suspension is necessary to help any student, to further school purposes, or to prevent an interference with school purposes.

2. Prior to commencement of the short-term suspension, the student will be given oral or written notice of the charges against the student. The student will be advised of what he or she is accused of having done, be given an explanation of the evidence the authorities have, and be given an opportunity to explain the student's version of the facts.
3. Within 24 hours or such additional time as is reasonably necessary following the suspension, the Principal will send a written statement to the student, and the student's parent or guardian, describing the student's conduct, misconduct or violation of the rule or standard and the reasons for the action taken. An opportunity will be given to the student, and the student's parent or guardian, to have a conference with the Principal ordering the short-term suspension before or at the time the student returns to school. The Principal shall determine who, in addition to the parent or guardian, is to attend the conference.
4. Students who are short-term suspended will be given the opportunity to complete classwork, including but not limited to examinations, as determined by the building principal.

### **Emergency Exclusion**

Students may be emergency excluded from school pursuant to the board's separate policy on emergency exclusion or state law.

### **Weapons and/or Firearms**

Students may be disciplined for the possession of weapons and/or firearms pursuant to the board's separate policy on weapons and firearms or state law.

### **Long-Term Suspension**

Students may be excluded by the Principal from school or any school function for a period of more than five school days but less than twenty school days (long-term suspension) for any conduct constituting grounds for expulsion as hereinafter set forth. The process for long-term suspension is set forth below.

### **Expulsion**

1. **Meaning of Expulsion.** Expulsion means exclusion from attendance in all schools, grounds and activities of or within the system for a period not to exceed the remainder of the semester in which it took effect unless the misconduct occurred (a) within ten school days prior to the end of the first semester, in which case the expulsion shall remain in effect through the second semester, or (b)

93 within ten school days prior to the end of the second semester, in which case the  
94 expulsion shall remain in effect for summer school and the first semester of the  
95 following school year, or (c) unless the expulsion is for conduct specified in these  
96 rules or in law as permitting or requiring a longer removal, in which case the  
97 expulsion shall remain in effect for the period specified therein. Such action may  
98 be modified or terminated by the school district at any time during the expulsion  
99 period.

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101 **2. Summer Review.** Any expulsion that will remain in effect during the first  
102 semester of the following school year will be automatically scheduled for review  
103 before the beginning of the school year. The review will be conducted by the  
104 hearing officer who conducted the initial expulsion hearing, or a hearing officer  
105 appointed by the Superintendent in the event no hearing was previously held or  
106 the initial hearing officer is no longer available or willing to serve, after the  
107 hearing officer has given notice of the review to the student and the student's  
108 parent or guardian. This review shall be limited to newly discovered evidence or  
109 evidence of changes in the student's circumstances occurring since the original  
110 hearing. This review may lead to a recommendation by the hearing officer that  
111 the student be readmitted for the upcoming school year. If the school board or  
112 board of education or a committee of such board took the final action to expel the  
113 student, the student may be readmitted only by action of the board. Otherwise  
114 the student may be readmitted by action of the Superintendent.

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116 **3. Suspension of Enforcement of an Expulsion:** Enforcement of an expulsion  
117 action may be suspended (i.e., "stayed") for a period of not more than one full  
118 semester in addition to the balance of the semester in which the expulsion takes  
119 effect, and as a condition of such suspended action, the student may be  
120 assigned to a school, class, or program/plan and to such other consequences  
121 which the school district deems appropriate.

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123 **4. Alternative School or Pre-expulsion Procedures.** The school shall either  
124 provide an alternative school, class or educational program for expelled students  
125 or shall follow the pre-expulsion procedures outlined in NEB. REV. STAT. 79-266.

### 126 127 **Grounds for Long-Term Suspension, Expulsion or Mandatory Reassignment:**

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129 The following conduct constitutes grounds for long-term suspension, expulsion, or  
130 mandatory reassignment, subject to the procedural provisions of the Student Discipline  
131 Act, NEB. REV. STAT. § 79-254 through 79-296, when such activity occurs on school  
132 grounds, in a vehicle owned, leased, or contracted by a school being used for a school  
133 purpose or in a vehicle being driven for a school purpose by a school employee or by  
134 his or her designee, or at a school-sponsored activity or athletic event:

135  
136 **1.** Use of violence, force, coercion, threat, intimidation, or similar conduct in a  
137 manner that constitutes a substantial interference with school purposes;

- 138 2. Willfully causing or attempting to cause substantial damage to property, stealing  
139 or attempting to steal property of substantial value, or repeated damage or theft  
140 involving property;
- 141 3. Causing or attempting to cause personal injury to a school employee, to a school  
142 volunteer, or to any student. Personal injury caused by accident, self-defense, or  
143 other action undertaken on the reasonable belief that it was necessary to protect  
144 some other person shall not constitute a violation of this subdivision;
- 145 4. Threatening or intimidating any student for the purpose of or with the intent of  
146 obtaining money or anything of value from such student;
- 147 5. Knowingly possessing, handling, or transmitting any object or material that is  
148 ordinarily or generally considered a weapon (see also board policy on weapons  
149 and firearms);
- 150 6. Engaging in the unlawful possession, selling, dispensing, or use of a controlled  
151 substance or an imitation controlled substance, as defined in section 28-401, a  
152 substance represented to be a controlled substance, or alcoholic liquor as  
153 defined in section 53-103.02 or being under the influence of a controlled  
154 substance or alcoholic liquor (note: the term "under the influence" for school  
155 purposes has a less strict meaning than it does under criminal law; for school  
156 purposes, the term means any level of impairment and includes even the odor of  
157 alcohol on the breath or person of a student; also, it includes being impaired by  
158 reason of the abuse of any material used as a stimulant);
- 159 7. Public indecency as defined in section 28-806, except that this prohibition shall  
160 apply only to students at least twelve years of age but less than nineteen years of  
161 age;
- 162 8. Engaging in bullying as defined in section 79-2,137 and in these policies;
- 163 9. Sexually assaulting or attempting to sexually assault any person if a complaint  
164 has been filed by a prosecutor in a court of competent jurisdiction alleging that  
165 the student has sexually assaulted or attempted to sexually assault any person,  
166 including sexual assaults or attempted sexual assaults which occur off school  
167 grounds not at a school function, activity, or event. For purposes of this  
168 subdivision, sexual assault means sexual assault in the first degree as defined in  
169 section 28-319, sexual assault in the second degree as defined in section 28-  
170 320, sexual assault of a child in the second or third degree as defined in section  
171 28-320.01, or sexual assault of a child in the first degree as defined in section 28-  
172 319.01, as such sections now provide or may hereafter from time to time be  
173 amended;
- 174 10. Engaging in any other activity forbidden by the laws of the State of Nebraska  
175 which activity constitutes a danger to other students or interferes with school  
176 purposes; or
- 177 11. A repeated violation of any of the following rules if such violations constitute a  
178 substantial interference with school purposes:
- 179 a. The use of language, written or oral, or conduct, including gestures, which  
180 is profane or abusive to students or staff members. Profane or abusive  
181 language or conduct includes, but is not limited to, that which is commonly  
182 understood and intended to be derogatory toward a group or individual  
183 based upon race, gender, national origin, or religion;

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- b. Dressing or grooming in a manner which violates the school district's dress code and/or is dangerous to the student's health and safety, a danger to the health and safety of others, or which is disruptive, distracting or indecent to the extent that it interferes with the learning and educational process;
  - c. Violating school bus rules as set by the school district or district staff;
  - d. Possessing, using, selling, or dispensing tobacco, drug paraphernalia, or a tobacco imitation substance or packaging, regardless of form, including cigarettes, chewing tobacco, and any other form of tobacco or imitation, such as electronic cigarettes, vapor pens, etc.;
  - e. Possessing, using, selling, or dispensing any drug paraphernalia or imitation of a controlled substance regardless of whether the actual substance possessed is a controlled substance by Nebraska law;
  - f. Possession of pornography;
  - g. Sexting or the possession of sexting images (a combination of sex and texting - the act of sending sexually explicit messages or photos electronically);
  - h. Engaging in hazing, defined as any activity expected of someone joining a group, team, or activity that humiliates, degrades or risks emotional and/or physical harm, regardless of the person's willingness to participate. Hazing activities are generally considered to be: physically abusive, hazardous, and/or sexually violating and include but are not limited to the following: personal servitude; sleep deprivation and restrictions on personal hygiene; yelling, swearing and insulting new members/newcomers; being forced to wear embarrassing or humiliating attire in public; consumption of vile substances or smearing of such on one's skin; branding; physical beatings; binge drinking and drinking games; sexual simulation and sexual assault;
  - i. Bullying which shall include cyber-bullying, defined as the use of the internet, including but not limited to social networking sites such as Facebook, cell phones or other devices to send, post or text message images and material intended to hurt or embarrass another person. This may include, but is not limited to; continuing to send e-mail to someone who has said they want no further contact with the sender; sending or posting threats, sexual remarks or pejorative labels (i.e., hate speech); ganging up on victims by making them the subject of ridicule in forums, and posting false statements as fact intended to humiliate the victim; disclosure of personal data, such as the victim's real name, address, or school at websites or forums; posing as the identity of the victim for the purpose of publishing material in their name that defames or ridicules them; sending threatening and harassing text, instant messages or emails to the victims; and posting or sending rumors or gossip to instigate others to dislike and gang up on the target;
  - j. Violation of the district's computer acceptable computer use policy are subject to discipline, up to and including expulsion; and

- 229 k. Any other violation of a rule or regulation established by a school district  
230 staff member pursuant to authority delegated by the board.  
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### 232 **Due Process Afforded to Students Facing Long-term Suspension or Expulsion**

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234 The following procedures shall be followed regarding any long-term suspension,  
235 expulsion or mandatory reassignment  
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- 237 1. On the date of the decision to discipline, the Principal shall file with the  
238 Superintendent a written charge and a summary of the evidence supporting such  
239 charge.  
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- 241 2. The Principal shall serve the student and the student's parents or guardian with a  
242 written notice by registered or certified mail or personal service within two school  
243 days of the date of the decision to recommend long-term suspension or  
244 expulsion. The notice shall include the following:  
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- 246 a. The rule or standard of conduct allegedly violated and the acts of the  
247 student alleged to constitute a cause for long-term suspension, expulsion,  
248 or mandatory reassignment, including a summary of the evidence to be  
249 presented against the student;  
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  - 251 b. The penalty, if any, which the principal has recommended in the charge  
252 and any other penalty to which the student may be subject;  
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  - 254 c. A statement that, before long-term suspension, expulsion, or mandatory  
255 reassignment for disciplinary purposes can be invoked, the student has a  
256 right to a hearing, upon request, on the specified charges;  
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  - 258 d. A description of the hearing procedures provided by the act, along with  
259 procedures for appealing any decision rendered at the hearing;  
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  - 261 e. A statement that the principal, legal counsel for the school, the student,  
262 the student's parent, or the student's representative or guardian has the  
263 right (i) to examine the student's academic and disciplinary records and  
264 any affidavits to be used at the hearing concerning the alleged misconduct  
265 and (ii) to know the identity of the witnesses to appear at the hearing and  
266 the substance of their testimony; and  
267
  - 268 f. A form on which the student, the student's parent, or the student's  
269 guardian may request a hearing, to be signed by such parties and  
270 delivered to the principal or superintendent in person or by registered or  
271 certified mail.  
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- 273 3. When a notice of intent to discipline a student by long-term suspension,  
274 expulsion, or mandatory reassignment is filed with the superintendent, the

275 student may be suspended by the principal until the date the long-term  
276 suspension, expulsion, or mandatory reassignment takes effect if no hearing is  
277 requested or, if a hearing is requested, the date the hearing examiner makes the  
278 report of his or her findings and a recommendation of the action to be taken to  
279 the superintendent, if the principal determines that the student must be  
280 suspended immediately to prevent or substantially reduce the risk of (a)  
281 interference with an educational function or school purpose or (b) a personal  
282 injury to the student himself or herself, other students, school employees, or  
283 school volunteers.

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- 285 4. Nothing in this policy shall preclude the student, student's parents, guardian or  
286 representative from discussing and settling the matter with appropriate school  
287 personnel prior to the hearing stage.  
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  - 289 5. If a hearing is requested within five days after receipt of the notice, the  
290 Superintendent shall appoint a hearing officer who shall follow the "hearing  
291 procedures" outlined below.  
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  - 293 6. If a hearing is requested more than five school days following the receipt of the  
294 written notice, but not more than thirty calendar days after receipt, the  
295 Superintendent shall appoint a hearing officer who shall follow the "hearing  
296 procedures" outlined below, except that the time constraints set forth may differ  
297 as provided by law and this policy. The student shall be entitled to a hearing but  
298 the consequence imposed may continue in effect pending final determination.  
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  - 300 7. If a request for hearing is not received within thirty calendar days following the  
301 mailing or delivery of the written notice, the student shall not be entitled to a  
302 hearing.  
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304 In the event a hearing is requested, the hearing, hearing procedures, the  
305 student's rights and any appeals or judicial review permitted by law shall be governed  
306 by the applicable provisions of the Nebraska Student Discipline Act (NEB. REV. STAT. §  
307 79-254 to 79-294). The school district will provide parents with copies of the relevant  
308 statutes upon request.  
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### 310 **Reporting Requirement to Law Enforcement**

311 Violations of this section will result in a report to law enforcement if:

- 313 1. The violation includes possession of a firearm;
- 314 2. The violation results in child abuse;
- 315 3. It is a violation of state law that the administration believes cannot be adequately  
316 addressed solely by discipline from the school district;
- 317 4. It is a violation of state law that endangers the health and welfare of staff or  
318 students;
- 319 5. It is a violation of state law that interferes with school purposes;
- 320 6. The report is required or requested by law enforcement or the county attorney.

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323 Revised on: August 12, 2014; February 13, 2018; July 10, 2018

324 Reviewed on: November 9, 2010; August 12, 2014

325 October 8, 2013; October 11, 2016; February 13, 2018; July 10, 2018