



## **5400.6: STANDARDS FOR STUDENT CONDUCT**

### **I. Introduction.**

**A. Policy Statement.** Every District student has the right to an education. The following Standards have been instituted to ensure that right within the context of an orderly and effective educational process. Each student and their parents are required, on their own, to become familiar with these Standards, and to help provide an atmosphere conducive to learning.

**B. Grounds for Exclusion.** A student may be excluded from school if there is reasonable information that the student has committed a prohibited act listed below while on District property, in a vehicle owned, leased, or contracted by a school being used for a school purpose or in a vehicle being driven for a school purpose by a school employee or by his or her designee, or at a school-sponsored activity or athletic event, or any other place where the governing law permits the District to discipline students for prohibited conduct.

**C. Exclusion from School Grounds and Activities.** A student who is excluded from school for a suspension, expulsion, or emergency exclusion shall not enter upon District property, or ride in a vehicle owned, leased, or contracted by the District being used for a school purpose or in a vehicle being driven for a school purpose by a school employee or his or her designee, or participate in or attend a school-sponsored activity or athletic event. Expelled students and students suspended for ten (10) school days or more may enter upon District property for the sole purpose of attending alternative education at a location and time designated by the Director of Student Services.

**D. Length of Expulsions.** Unless specified otherwise within these Standards, the expulsion of a student shall be for the remainder of the semester in which it took effect unless the misconduct occurred within ten (10) school days prior to the end of the first semester, in which case the expulsion shall remain in effect through the second semester, or within ten (10) school days prior to the end of the second semester, in which case the expulsion shall remain in effect for summer school and the first semester of the following school year. Neb. Rev. Stat. §79-283(2).

**E. Length of Suspension.** If there are insufficient school days in the first semester to complete the suspension period, the suspension period will be carried over to the second semester.

**F. Contact of Legal Authorities.** The principal of a school or the principal's designee shall notify as soon as possible the appropriate law enforcement authorities, of the county or city in which the school is located, of any act of a student described in Neb. Rev. Stat. §§79-267 which the principal or designee knows or suspects is a violation of the Nebraska Criminal Code. Neb. Rev. Stat. §79-262(1) and 293(1).

**G. Sanction to be Followed.** If minimum and maximum sanctions are not specified for a specific prohibited act, the specified sanction shall be imposed.

**H. Expulsion as Sanction.** Expulsion is specified as a sanction for particular conduct because the District's Board of Education finds that the type of conduct for which expulsion is specified has the potential to seriously affect the health, safety, or welfare of the student, other students, staff members, or other persons, or to otherwise seriously interfere with the educational process. Neb. Rev. Stat. §79-262(1).

**I. Students with Disabilities.** Disciplinary procedures for students who have disabilities as defined by the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973 shall be subject to the disciplinary procedures set forth in District Rules 5400.2 and 5400.3 and applicable federal and state law.

**J. Students in Pre-Kindergarten through Second Grade.** Students in pre-kindergarten through second grade shall not be suspended from school, and such students shall instead be subject to disciplinary measures inside the school as an alternative to suspension. Provided however, if such a student brings a deadly weapon as defined in subsection IX (G) of this Rule, on to school grounds, or in a vehicle owned, leased, or contracted by the District being used for a school purpose or in a vehicle being driven for a school purpose by a school employee or his or her designee, or to a school-sponsored activity or athletic event, then the student may be suspended in accordance with subsections II(D)(1) through (4) of this Rule as may be applicable. Neb. Rev. Stat. § 28-109(7), Neb. Rev. Stat. § 79-265.01.

**K. Mandatory Compliance.** Students and their parent(s) or guardian(s) are hereby notified that compliance with the District's Standards for Student Conduct is mandatory. It is the responsibility of all students and their parent(s) or guardian(s) to become familiar with these Standards.

## **II. Violations Against Persons.**

**A. Use of Violence.** Use of violence, force, coercion, threat, intimidation or similar conduct in a manner that constitutes a substantial interference with school purposes.

### **1. Pushing, Shoving, Aggressive, or other Physical Contact Related to Non-injurious Behaviors.**

**a. Maximum Sanction.** Short-term suspension.

**b. Extracurricular Sanction.** Suspension from extracurricular activities during the time of suspension.

**2. Fighting.** Mutual attempt to physically harm another person through mutual combative physical contact.

**a. First Offense.**

(1) **Minimum Sanction. Short-term suspension. There is no mandated minimum sanction below grade six (6).**

(2) **Maximum Sanction. Long-term suspension.**

(3) **Extracurricular Sanction. Suspension from extracurricular activities during the time of suspension.**

(4) **Report to Law Enforcement. Legal authorities shall be contacted if substantial personal injuries are involved, an involved student or parent requests that a report to law enforcement be made, or a report is required or requested by law enforcement or the county attorney. Neb. Rev. Stat. § 28-310(2); Neb. Rev. Stat. §§79-262(1), 267(1) and 293.**

**b. Additional Offenses.**

(1) **Minimum Sanction. Long-term suspension.**

(2) **Maximum Sanction. Expulsion.**

(3) **Extracurricular Sanction. Suspension from extracurricular activities during the time of suspension or expulsion.**

(4) **Report to Law Enforcement. Legal authorities shall be contacted if substantial personal injuries are involved, an involved student or parent requests that a report to law enforcement be made, or a report is required or requested by law enforcement or the county attorney. Neb. Rev. Stat. § 28-310(2); Neb. Rev. Stat. §§79-262(1), 267(1) and 293.**

**3. Physical Assault. Initiation of a violent act against another person through aggressive physical contact.**

**a. Minimum Sanction. Long-term suspension. There is no mandated minimum sanction below grade six (6).**

**b. Maximum Sanction. Expulsion.**

**c. Extracurricular Sanction. Suspension from extracurricular activities during the time of suspension or expulsion.**

**d. Report to Law Enforcement. Legal authorities shall be contacted. Neb. Rev. Stat. §§ 28-308 to 310; Neb. Rev. Stat. §§79-262(1), 267(1) and 293.**

**B. Personal Injury to District Employees, Volunteers, and Students. Causing or attempting to cause personal injury to an employee, a school volunteer, or to any student. Personal injury caused by accident, self-defense, or other action undertaken on the reasonable belief that it was necessary to protect some other person shall not constitute a violation of this provision. Neb. Rev. Stat. §79-267(3) and 283(3).**

## **1. Sanctions on School Grounds.**

**a. Maximum Sanction.** Expulsion for the remainder of the school year if the misconduct occurs during the first semester. If the misconduct occurs during the second semester the expulsion shall remain in effect for summer school and may remain in effect for the first semester of the following school year. Neb. Rev. Stat. §79-283 (3).

**b. Extracurricular Sanction.** Suspension from extracurricular activities during the time of suspension or expulsion.

**c. Report to Law Enforcement.** Legal authorities shall be contacted if substantial personal injuries are involved. Neb. Rev. Stat. §§ 28-308 to 310; Neb. Rev. Stat. §§79-262(1), 267(3) and 293.

## **2. Sanctions off School Grounds.**

**a.** Citation during the academic school year or the student admits that he or she has violated subsection II (B).

**b. Extracurricular Maximum Sanction.** Curtailment of extracurricular activities for the remainder of the school year if the misconduct occurs during the first semester. If the misconduct occurs during the second semester the curtailment shall remain in effect for summer school and may remain in effect for the first semester of the following school year.

## **C. Use of Threats or Intimidation.**

**1. Use of Threats (Verbal and Written).** All threats, including those alleged to be jokes, will always be taken seriously and are subject to the following disciplinary action.

**a. Level One Threat (Transient).** Using a threat as part of a common expression or in a context that the recipient does not feel threatened, frightened, or coerced (e.g., “Oh, I could just kill you for that” or “I will punch you in the nose”).

**(1) Maximum Sanction.** Short-term suspension.

**(2) Extracurricular Sanction.** Suspension from extracurricular activities during the time of suspension.

**b. Level Two Threat (Serious Substantive).** Using an expression or an implied or veiled threat with the intent of threatening, frightening, or coercing another or the recipient feels threatened, frightened, or coerced (e.g., “I will kill you”).

**(1) Minimum Sanction.** Short-term suspension. There is no mandated minimum sanction below grade four (4).

**(2) Maximum Sanction.** Long-term suspension.

(3) Extracurricular Sanction. Suspension from extracurricular activities during the time of suspension.

(4) Report to Law Enforcement. Legal authorities shall be contacted. Neb. Rev. Stat. § 28-310; Neb. Rev. Stat. §§79-262(1), 267(1) and 293.

c. Level Three Threat (Very Serious Substantive). Threatening to kill or injure, or threatening to damage property with potential for personal injury, without possessing a weapon or other object that could kill or injure , including any threats that concern dangerous chemical substances, biochemical attacks, bioterrorism, bombs, or any type of explosive or incendiary device.

(1) Minimum Sanction. Long-term suspension. There is no mandated minimum sanction below grade four (4).

(2) Maximum Sanction. Expulsion.

(3) Extracurricular Sanction. Suspension from extracurricular activities during the time of suspension or expulsion.

(4) Report to Law Enforcement. Legal authorities shall be contacted. Neb. Rev. Stat. §§ 28-310, 311.01 and 907; Neb. Rev. Stat. §§79-262(1), 267(1) and 293.

d. Threatening with an Object. Threatening with an object which looks like a weapon or an object that could be used to injure someone. To qualify as a look-a-like weapon, the object must closely resemble a real weapon in size, shape, and color even when examined up close.

(1) Minimum Sanction. Long-term suspension.

(2) Maximum Sanction. Expulsion.

(3) Extracurricular Sanction. Suspension from extracurricular activities during the time of suspension or expulsion.

#### D. Firearms, Explosives, and Weapons.

1. Firearms, Etc. Knowingly possessing, handling, transmitting, using, intimidating with, or threatening with any firearm, explosive, or destructive device. For the purposes of this subsection II(D)(1), firearm means any weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, or the frame or receiver of any such weapon, or any firearm muffler or firearm silencer, or any destructive device. Such term does not include an antique firearm.

##### a. Sanctions on School Grounds.

(1) Minimum Sanction. Mandatory expulsion for one (1) year.

(2) Extracurricular Sanction. Suspension from extracurricular activities during the time of expulsion.

**(3) Report to Law Enforcement.** Legal authorities shall be contacted. Neb. Rev. Stat. §§28-1202 to 1204.04, 1215, 1216 and 1220; Neb. Rev. Stat. §§79-262(1), 267 (5) and 293.

**b. Sanctions off School Grounds.**

**(1) Citation for illegal possession of a weapon during the academic school year or the student admits that he or she has violated subsection II(D).**

**(2) Extracurricular Sanction.** Curtailment of extracurricular activities for one (1) year.

**2. Use and Possession of Dangerous Weapons.** Using, intimidating with, threatening with, handling, transmitting, possessing on one's person or in one's vehicle any dangerous weapon, including but not limited to any stun gun, paintball gun, taser, airsoft gun, B.B. gun, or pellet gun.

**a. Sanctions on School Grounds.**

**(1) Minimum Sanction.** Twenty (20) school day expulsion.

**(2) Maximum Sanction.** Expulsion for one (1) year.

**(3) Extracurricular Sanction.** Suspension from extracurricular activities during the time of expulsion.

**(4) Report to Law Enforcement.** Legal authorities shall be contacted. Neb. Rev. Stat. §§28-1202 to 1204.04; Neb. Rev. Stat. §§79-262 (1), 267 (5) and 293.

**b. Sanctions off School Grounds.**

**(1) Citation for illegal possession of a weapon during the academic school year or the student admits that he or she has violated subsection II (D).**

**(2) Extracurricular Minimum Sanction.** Curtailment of extracurricular activities for twenty (20) school days.

**(3) Extracurricular Maximum Sanction.** Curtailment of extracurricular activities for one (1) year.

**3. Other Dangerous Weapons.** Using or threatening with a knife, throwing star, brass knuckles, chemical substances (including, but not limited to, mace, pepper spray, and bleach), and any other objects that could be used to injure a person.

**a. Sanctions on School Grounds.**

**(1) Minimum Sanction.** Long term suspension.

(2) **Maximum Sanction.** Expulsion for the remainder of the school year if the misconduct occurs during the first semester. If the misconduct occurs during the second semester the expulsion shall remain in effect for summer school and may remain in effect for the first semester of the following school year. Neb. Rev. Stat. §79-283 (3).

(3) **Extracurricular Sanction.** Suspension from extracurricular activities during the time of suspension or expulsion.

(4) **Report to Law Enforcement.** Legal authorities shall be contacted. Neb. Rev. Stat. §§28-1202 to 1204.04; Neb. Rev. Stat. §§79-262(1), 267 (5) and 293.

**b. Sanctions off School Grounds.**

(1) Citation during the academic school year or the student admits that he or she has violated subsection II (D).

(2) **Extracurricular Minimum Sanction.** Curtailment of extracurricular activities for six (6) school days.

(3) **Extracurricular Maximum Sanction.** Curtailment of extracurricular activities for the remainder of the school year if the misconduct occurs during the first semester. If the misconduct occurs during the second semester the curtailment shall remain in effect for summer school and may remain in effect for the first semester of the following school year.

**4. Possession of Certain Prohibited Objects.** Knowingly possessing, handling, or transmitting knives, throwing stars, brass knuckles, or other objects not enumerated above which could cause injury.

a. **Minimum Sanction.** Short-term suspension.

b. **Maximum Sanction.** Expulsion.

c. **Extracurricular Sanction.** Suspension from extracurricular activities during the time of suspension or expulsion.

**5. Possession of Look-a-Like Weapons.** Knowingly possessing a look-a-like weapon. The object must closely resemble a real weapon in size, shape, and color even when examined up close.

a. **Minimum Sanction.** Short-term suspension.

b. **Maximum Sanction.** Long-term suspension.

c. **Extracurricular Sanction.** Suspension from extracurricular activities during the time of suspension.

**6. Exception for Certain Firearms.** Subsection II(D) shall not apply to:

- a. The issuance of firearms to or possession of firearms by members of the Reserve Officers Training Corps when training;
- b. Firearms which may lawfully be possessed by the person receiving instruction under the immediate supervision of an adult instructor who may lawfully possess firearms; or
- c. Firearms and guns which may lawfully be possessed and used off school grounds, not at a school function, activity, or event.

E. Extortion. Threatening or intimidating any student for the purpose of or with the intent of obtaining money or anything of value from such student.

1. Maximum Sanction. Expulsion.

2. Extracurricular Sanction. Suspension from extracurricular activities during the time of suspension or expulsion.

F. Sexual Assault or Attempted Sexual Assault. Any sexual assault or attempt to sexually assault any person. Sexual assault shall mean sexual assault in the first or second degree as defined in Section IX (EE) of this Rule and Neb. Rev. Stat. §§28-319 and 320, or sexual assault of a child in the first, second or third degree as defined in Section IX (EE) of this Rule and Neb. Rev. Stat. §§28-319.01 and 320.01. Neb. Rev. Stat. §79-267(9).

1. Sanctions on School Grounds.

a. Minimum Sanction. Mandatory expulsion for one (1) year and possible reassignment upon return.

b. Extracurricular Sanction. Suspension from extracurricular activities during the time of expulsion.

c. Report to Law Enforcement. Legal authorities shall be contacted. Neb. Rev. Stat. §§ 28-319 to 320.01; Neb. Rev. Stat. §§79-262(1), 267(9) and 293.

2. Sanctions off School Grounds.

a. Minimum Sanction. Curtailment of extracurricular activities for one (1) year.

b. Maximum Sanction. Expulsion for one (1) year. A complaint must have been filed by a prosecutor in a court of competent jurisdiction alleging that the student has sexually assaulted or attempted to sexually assault any person off school grounds not at a school function, activity, or event, and the student's presence at school has a direct and immediate effect on maintaining discipline, order, or safety in the school. Neb. Rev. Stat. §79-267(9).

c. Extracurricular Sanction. Suspension from extracurricular activities during the time of expulsion.



**G. Sexual Contact.** The intentional touching of another person's sexual or intimate parts or the intentional touching of another person's clothing covering the immediate area of the other person's sexual or intimate parts, without the consent of the other person. Sexual contact also includes the non-consensual touching by the other person of the actor's sexual or intimate parts or the clothing covering the immediate area of the actor's sexual or intimate parts when such touching is intentionally caused by the actor. The sexual contact must be such that it can be reasonably construed as being for the purpose of sexual arousal or gratification of either party. Neb. Rev. Stat. §§28-318(5) and 320.

**1. Sanctions on School Grounds.**

**a. Minimum Sanction.** Short-term suspension.

**b. Maximum Sanction.** Expulsion.

**c. Extracurricular Sanction.** Suspension from extracurricular activities during the time of suspension or expulsion.

**d. Report to Law Enforcement.** Legal authorities shall be contacted. Neb. Rev. Stat. §§ 28-416, 53-180 and 180.02; Neb. Rev. Stat. §§79-262 (1), 267(6) and 293.

**2. Sanctions off School Grounds.**

**a.** Citation during the academic school year or the student admits that he or she has violated subsection II (G).

**b. Extracurricular Minimum Sanction.** Curtailment of extracurricular activities for up to five (5) school days.

**c. Extracurricular Maximum Sanction.** Curtailment of extracurricular activities for the remainder of the semester unless the misconduct occurred within ten (10) school days prior to the end of the first semester, in which case the curtailment shall remain in effect through the second semester.

**H. Sexual Harassment.** Unwanted or unwelcome activity of a sexual nature which materially interferes with or substantially disrupts the educational process. This may include, but is not limited to, unwanted touching, pinching, patting, verbal comments of a sexual nature, sexual name-calling, pressure to engage in sexual activity, repeated propositions, written messages, notes, cartoons or graffiti of a sexual nature, and unwanted body contact.

**1. Maximum Sanction.** Expulsion.

**2. Extracurricular Sanction.** Suspension from extracurricular activities during the time of suspension or expulsion.

**I. Harassment.** Any intentionally hurtful, demeaning, or disparaging acts, words, symbolic representations, or behavior used by a student or students against another student, students or staff member(s) that is disruptive to the educational process. This includes, but is not limited to, verbal, physical, visual, or graphic actions such as name-calling, taunting, mocking, slandering, humiliating, defaming, teasing, pestering; and making derogatory remarks, demeaning jokes, disparaging drawings or notes.

1. Maximum Sanction. Expulsion.

2. Extracurricular Sanction. Suspension from extracurricular activities during the time of suspension or expulsion.

**J. Bullying.** Any ongoing intentionally hostile or offensive verbal, written, graphic, demonstrative, electronic, or physical act used by a student or student(s) against another student or student(s) that has the purpose of exerting domination over another student through the act of intimidating, frightening, oppressing, retaliating, or adversely controlling the student, and that is disruptive of the educational process or any ongoing pattern of physical, verbal, written, graphic, demonstrative or electronic abuse, on District property, in a vehicle owned, leased, or contracted by a school being used for a school purpose by a school employee or his or her designee, or at a school-sponsored activity or athletic event, or any other place where the governing law permits the District to discipline students for prohibited conduct. This may include, but is not limited to, verbal, graphic, written or electronic activities such as name-calling, taunting, blackmailing, inciting to fight, terrorizing, threatening, or physical or demonstrative activities such as poking, blocking or impeding, following, hair pulling, mock hitting motions, intentionally bumping, tripping, and damaging clothing.

1. Maximum Sanction. Expulsion.

2. Extracurricular Sanction. Suspension from extracurricular activities during the time of suspension or expulsion.

**K. Hazing.** Any activity by which a person intentionally or recklessly endangers the physical or mental health or safety of an individual for the purpose of initiation into, admission into, affiliation with, or continued membership with or participation in any group or activity. Such hazing activity shall include, but shall not be limited to the following: whipping; beating; branding; forced and prolonged calisthenics; prolonged exposure to the elements; forced consumption of any food, liquor, beverage, drug, or harmful substance not generally intended for human consumption; prolonged sleep deprivation; harassing by exacting unnecessary or disagreeable work, banter, ridicule, or criticism; or any brutal treatment or the performance of any unlawful act which endangers the physical or mental health or safety of any person. Consent to the hazing by the student(s) shall not be a defense to hazing.

1. Maximum Sanction. Expulsion.

2. Extracurricular Sanction. Suspension from extracurricular activities during the time of suspension or expulsion.

### **III. Violations Against Public Health and Safety.**

**A. Possession, Use or Under the Influence of Alcohol or other Drugs.** Possession, use or being intoxicated or under the influence of an illegal narcotic drug, controlled substance, marijuana, mood-altering or behavior-affecting substance, look-a-like substance, or alcohol, or possession, use or being intoxicated, or under the influence of a prescribed medication by a student for whom the prescribed medication was not prescribed, or possession or use of drug paraphernalia.

#### **1. Sanctions on School Grounds.**

**a. First Offense.** Suspension for nineteen (19) school days. Parents, at their own expense, may choose to participate in a District-approved suspension reduction program. Successful completion of this program may reduce the suspension and curtailment of extracurricular activities by a maximum of nine (9) school days (results in a total of ten (10) school days suspension and curtailment of extracurricular activities).

**b. Additional Offenses.** Mandatory expulsion. Prior violations of subsections III (A), (B), (C), or (D) on school grounds will be included as previous offenses.

**c. Extracurricular Sanction.** Suspension from extracurricular activities during the time of suspension or expulsion.

**d. Report to Law Enforcement.** Legal authorities shall be contacted. Neb. Rev. Stat. §§ 28-416, 53-180 and 180.02; Neb. Rev. Stat. §§79-262 (1), 267(6) and 293.

#### **2. Sanctions off School Grounds.**

**a. Citation during the academic school year or the student admits that he or she has violated subsection III (A).**

**(1) First Offense.** Curtailment of extracurricular activities for nineteen (19) school days. Parents, at their own expense, may choose to participate in a District-approved suspension reduction program. Successful completion of this program may reduce the curtailment of extracurricular activities by a maximum of nine (9) school days (results in a total of ten (10) school days curtailment of extracurricular activities).

**(i)** Students who self-report to a building administrator or coach or extracurricular activity sponsor, that he or she has violated subsection III(A), by self-reporting their violation the morning of the next school day following the violation, or if the next day following the violation is not a school day but extracurricular practices, activities, or games are being held and the student self-reports to a building administrator or coach or sponsor before the extracurricular practices, activities, or games commence, then the curtailment of extracurricular activities will be reduced to seventeen (17) school days with the possibility of reduction to eight (8) school days upon the completion of the District-approved suspension reduction program.

**(2) Additional Offenses.** Prior violations of subsections III(A), (B), (C), or (D), on or off school grounds will be included as previous offenses.

(i) **Extracurricular Sanction.** Curtailment of extracurricular activities for the remainder of the semester unless the misconduct occurred within ten (10) school days prior to the end of the first semester, in which case the curtailment shall remain in effect through the second semester.

**B. Distribution of Alcohol or other Drugs.** Distribution or attempted distribution to or receipt or attempted receipt from, any other person, of any illegal narcotic drug, controlled substance, marijuana, look-a-like substance, mood-altering or behavior affecting substance, or alcohol.

1. **Sanctions on School Grounds.**

a. **Minimum Sanction.** Expulsion.

b. **Extracurricular Sanction.** Suspension from extracurricular activities during the time of expulsion.

c. **Report to Law Enforcement.** Legal authorities shall be contacted. Neb. Rev. Stat. §§ 28-416, 53-180 and 180.02; Neb. Rev. Stat. §§79-262(1), 267(6) and 293.

2. **Sanctions off School Grounds.**

a. Citation during the academic school year or the student admits that he or she has violated subsection III (B).

b. **Extracurricular Sanction.** Curtailment of extracurricular activities for the remainder of the semester unless the misconduct occurred within ten (10) school days prior to the end of the first semester, in which case the curtailment shall remain in effect through the second semester.

**C. Possession, Use and Transportation of Medications.** The possession, use, and transportation of prescribed and non-prescribed medications shall be in accordance with the following rules.

1. **Possession of Medications (Preschool and Elementary Levels).** Possession of prescribed or non-prescribed medications on school grounds is prohibited. Elementary school students may not transport prescribed or non-prescribed medications to or from school. Elementary school students may possess and use glucose tablets and inhalers according to the provisions of Rule 5600.2.

a. **First Offense.**

(1) **Maximum Sanction.** Suspension for nineteen (19) school days.

(2) **Extracurricular Sanction.** Suspension from extracurricular activities during the time of suspension.

b. **Additional Offenses.**

(1) **Maximum Sanction.** Expulsion. Prior violations of subsections III (A), (B), (C), or (D), will be included as previous offenses.

(2) **Extracurricular Sanction.** Suspension from extracurricular activities during the time of suspension or expulsion.

**2. Possession of Medications (Middle School Level).** Possession of prescribed or non-prescribed medications on school grounds is prohibited. Middle school students may transport non-prescribed medications to and from school but must turn it into the administrative/health care office upon arrival at school. Middle school students may not transport prescribed medications to or from school. Middle school students may possess and use glucose tablets and inhalers according to the provisions of Rule 5600.2.

**a. First Offense.**

(1) **Maximum Sanction.** Suspension for nineteen (19) school days. Parents, at their own expense, may choose to participate in a District-approved suspension reduction program. Successful completion of this program may reduce the suspension and curtailment of extracurricular activities by a maximum of nine (9) school days (results in a total of ten (10) school days suspension and curtailment of extracurricular activities).

(2) **Extracurricular Sanction.** Suspension from extracurricular activities during the time of suspension.

**b. Additional Offenses.**

(1) **Maximum Sanction.** Expulsion. Prior violations of subsections III (A), (B), (C), or (D), will be included as previous offenses.

(2) **Extracurricular Sanction.** Suspension from extracurricular activities during the time of suspension or expulsion.

**3. Possession of Medications (High School Level).** Possession of prescribed medications is prohibited. High school students may possess non-prescribed medications, but they may not possess prescribed medications except in transport to and from school. Prescribed medications must be turned into the administrative or health care office upon arrival at school. High school students may possess and use glucose tablets and inhalers according to the provisions of Rule 5600.2.

**a. First Offense.**

(1) **Maximum Sanction.** Suspension for nineteen (19) school days. Parents, at their own expense, may choose to participate in a District-approved suspension reduction program. Successful completion of this program may reduce the suspension and curtailment of extracurricular activities by a maximum of nine (9) school days (results in a total of ten (10) school days suspension and curtailment of extracurricular activities).

(2) **Extracurricular Sanction.** Suspension from extracurricular activities during the time of suspension.

**b. Additional Offenses.**

(1) **Maximum Sanction.** Expulsion. Prior violations of subsections III (A), (B), (C), or (D), on school grounds will be included as previous offenses.

**(2) Extracurricular Sanction. Suspension from extracurricular activities during the time of suspension or expulsion.**

**D. Distribution of Prescribed Medications. Distribution or attempted distribution to or receipt or attempted receipt from any other person, of any prescribed medication.**

**1. Minimum Sanction. Long-term suspension.**

**2. Maximum Sanction. Expulsion.**

**3. Additional Offenses.**

**a. Minimum Sanction. Expulsion.**

**4. Extracurricular Sanction. Suspension from extracurricular activities during the time of suspension or expulsion.**

**5. Report to Law Enforcement. Legal authorities shall be contacted. Neb. Rev. Stat. § 28-416; Neb. Rev. Stat. §§79-262(1), 267(6) and 293.**

**E. Distribution of Non-Prescribed Medications. Distribution or attempted distribution to or receipt or attempted receipt from any other person, of any non-prescribed medication.**

**1. First Offense. Short-term suspension.**

**2. Additional Offenses.**

**a. Minimum Sanction. Long-term suspension.**

**b. Maximum Sanction. Expulsion.**

**3. Extracurricular Sanction. Suspension from extracurricular activities during the time of suspension or expulsion.**

**F. Exposure to Bodily Fluids. Intentionally spitting, throwing, wiping, or otherwise dispersing bodily fluids or excrement on or to another student or staff member for the purpose of infecting, inciting, demeaning, or intimidating that person.**

**1. Maximum Sanction. Expulsion.**

**2. Extracurricular Sanction. Suspension from extracurricular activities during the time of suspension or expulsion.**

**G. Tobacco and E-Cigarette Products. Possession or use of tobacco products or e-cigarette type products.**

1. **First Offense.** Suspension for three (3) school days. Students, may choose to complete the District - approved suspension reduction education module. Successful completion of the module will reduce the suspension and curtailment of extracurricular activities by a maximum of one (1) school day.

2. **Maximum Sanction.** Long-term suspension.

3. **Extracurricular Sanction.** Suspension from extracurricular activities during the time of suspension.

H. **Possession or Use of Fireworks.** Possession or use of fireworks of any description.

1. **Maximum Sanction.** Expulsion.

2. **Extracurricular Sanction.** Suspension from extracurricular activities during the time of suspension or expulsion.

#### IV. **Violations against Public Decency and Good Morals.**

A. **Public Indecency.** Behavior resulting in public indecency (see definition). This subsection shall apply only to students above grade five (5). Neb. Rev. Stat. §79-267(7).

1. **Maximum Sanction.** Expulsion.

2. **Extracurricular Sanction.** Suspension from extracurricular activities during the time of suspension or expulsion.

B. **Profanity and Obscenity.** Verbal, written or electronic language, communications, pictures, photos, videos, digital images, drawings or materials of any kind that are reasonably offensive or repulsive to the person hearing, viewing or receiving the same and which is disruptive to the educational process.

1. **Maximum Sanction.** Expulsion.

2. **Extracurricular Sanction.** Suspension from extracurricular activities during the time of suspension or expulsion.

C. **Pornography.** Any picture, photo, video, digital image, drawing or materials of any kind that in the reasonable judgment of school administrators constitute child pornography, pornography, or obscene materials pursuant to Neb. Rev. Stat. §§ 28-807, 808, 1463.02 or 1463.03, whether or not a citation is issued by a law enforcement officer or prosecuting authority.

1. **Maximum Sanction.** Expulsion.

2. **Extracurricular Sanction.** Suspension from extracurricular activities during the time of suspension or expulsion.

**D. Disparaging Language/Symbolism.** Disparaging or demeaning language or symbolic actions of any kind including, but not limited to gestures or language that is intended to disparage, demean, or subject another student or staff member to ridicule.

1. **Maximum Sanction.** Expulsion.

2. **Extracurricular Sanction.** Suspension from extracurricular activities during the time of suspension or expulsion.

**E. Secret Organizations/Gangs.** Participation or membership in any secret fraternity, sorority, club, association, or organization is prohibited. The wearing of any ring, pin, or insignia of such a secret organization is also prohibited. Organizations or gangs, which initiate, advocate, or promote violence, drug or alcohol use, sex, criminal activity, or activities which disrupt the school environment or threaten the safety or well being of persons or property, and which identify themselves through the use of a name, geographic territory, unique appearance, or language, are a substantial disruption to and material interference with the educational environment, and are prohibited. The use of hand signals, graffiti, or the presence of any apparel, jewelry, accessory, or manner of grooming which, by virtue of its color, arrangement, trademark, symbol, or other attributes indicates or implies membership in or affiliation with such a group, constitutes a substantial disruption to and material interference with the educational environment, and are prohibited.

1. **Maximum Sanction.** Expulsion.

2. **Extracurricular Sanction.** Suspension from extracurricular activities during the time of suspension or expulsion.

**V. Violations against Property.**

**A. Damage to Property.** Willfully causing or attempting to cause substantial damage or participating in behavior that results in negligent damage to property, or repeated damage to property. This shall include school property lent to the student which the student damages. As to any such damaged property, the student's parent(s) or guardian(s) shall be liable for the damage to the school property. Neb. Rev. Stat. §79-267(2).

1. **Maximum Sanction.** Expulsion.

2. **Extracurricular Sanction.** Suspension from extracurricular activities during the time of suspension or expulsion.

3. **Report to Law Enforcement.** Legal authorities shall be contacted when the value of the property is five hundred dollars (\$500.00) or more. Neb. Rev. Stat. §28-519; Neb. Rev. Stat. §§79-262(1), 267(2) and 293.



**B. Theft/Larceny.** Stealing or attempting to steal property, or repeated theft of property. This will include school property lent to a student that is not returned upon demand by an authorized staff member and for which there is no reasonable justification for the failure to return the property. Neb. Rev. Stat. §79-267(2).

1. **Maximum Sanction.** Expulsion.

2. **Extracurricular Sanction.** Suspension from extracurricular activities during the time of suspension or expulsion.

3. **Report to Law Enforcement.** Legal authorities shall be contacted when the value of the property is five hundred dollars (\$500.00) or more. Neb. Rev. Stat. §§28-511 and 518; Neb. Rev. Stat. §§79-262(1), 267(2) and 293.

4. **Sanctions off School Grounds.** Committing burglary or theft which constitutes a felony provided the student has received a citation by a law enforcement officer which involves the offense subject to this subsection or the student admits that he or she has violated subsection V(B).

a. **Extracurricular Maximum Sanction.** Curtailment of extracurricular activities for the remainder of the semester unless the misconduct occurred within ten (10) school days prior to the end of the first semester, in which case the curtailment shall remain in effect through the second semester.

**C. Arson or False Fire Alarm.** Intentionally starting a fire. Use of any fire causing agents to start or attempt to start a fire. Purposely or knowingly causing a false fire alarm. Neb. Rev. Stat. §§28-502 to 504 and 907; Neb. Rev. Stat. §79-267(10).

1. **Minimum Sanction.** Short-term suspension.

2. **Maximum Sanction.** Expulsion.

3. **Extracurricular Sanction.** Suspension from extracurricular activities during the time of suspension or expulsion.

4. **Report to Law Enforcement.** Legal authorities (Police and Fire) shall be contacted if it is believed the arson was criminal. Neb. Rev. Stat. §§28-502 to 504 and 907; Neb. Rev. Stat. §§79-262(1), 267(10) and 293.

**D. False Alarm or Report.** Purposely making a false alarm or false report, or purposely furnishing false information or making a communication or statement, whether verbal, written or electronic, concerning the existence of any bomb, explosive device, weapon, firearm, dangerous chemical substance, or biochemical or terroristic device, or concerning an intent or attempt to be made to kill, injure, or intimidate any individual or to use, possess, or bring on to District property or to any District activity or event any bomb, explosive device, weapon, firearm, dangerous chemical substance, or biochemical or terroristic device, or concerning the need for medical, police, or emergency services or procedures. Neb. Rev. Stat. §§28-907 and 1221; Neb. Rev. Stat. §79-267(10).

1. Minimum Sanction. Short-term suspension.

2. Maximum Sanction. Expulsion.

3. Extracurricular Sanction. Suspension from extracurricular activities during the time of suspension or expulsion.

4. Report to Law Enforcement. Legal authorities shall be contacted. Neb. Rev. Stat. §§28-907 and 1221; Neb. Rev. Stat. §§79-262(1), 267(10) and 293.

E. Misuse of Technology. Direct or indirect use of personal technology device, District computers, computer networks, or computer systems, which involves offensive, personal, commercial, and/or religious messages, or any unauthorized access or use of personal technology devices, District computers, computer networks, or computer systems which violates District policy or state or federal law. Neb. Rev. Stat. §§28-1341 to 1348; Neb. Rev. Stat. §79-267(10).

1. Maximum Sanction. Expulsion.

2. Extracurricular Sanction. Suspension from extracurricular activities during the time of suspension or expulsion.

3. Report to Law Enforcement. Legal authorities shall be contacted if the action constitutes a felony. Neb. Rev. Stat. §§28-1341 to 1348; Neb. Rev. Stat. §§79-262(1), 267(10) and 293.

F. Trespass. Entering or secretly remaining in any District building or on any District property or facility, or any separately secured portion thereof, without authorization. Neb. Rev. Stat. §28-520(1)(a).

1. Maximum Sanction. Expulsion.

2. Extracurricular Sanction. Suspension from extracurricular activities during the time of suspension or expulsion.

3. Mandatory Action. Legal authorities shall be contacted. Neb. Rev. Stat. §28-520(1)(a); Neb. Rev. Stat. §§79-267(10) and 293.

## VI. Violations against School Administration.

A. Tardy/Truancy/Elopement. Unauthorized absence from school. Neb. Rev. Stat. §§79-201 and 209.

1. Maximum Sanction. Short-term suspension.

2. Extracurricular Sanction. Suspension from extracurricular activities during the time of suspension.

B. Gambling. Playing any game of chance for money or other stakes. Neb. Rev. Stat. §79-267(10).

1. Maximum Sanction. Expulsion.

**2. Extracurricular Sanction. Suspension from extracurricular activities during the time of suspension or expulsion.**

**C. Dishonesty. Dishonesty that interferes with the educational process.**

**1. Maximum Sanction. Expulsion.**

**2. Extracurricular Sanction. Suspension from extracurricular activities during the time of suspension or expulsion.**

**D. Dress Code Violation. Failure to comply with the established building dress code.**

**1. Maximum Sanction. Long-term suspension.**

**2. Extracurricular Sanction. Suspension from extracurricular activities during the time of suspension.**

**E. Failure to Report. Failure to comply with assigned discipline consequence.**

**1. Maximum Sanction. Long-term suspension.**

**2. Extracurricular Sanction. Suspension from extracurricular activities during the time of suspension.**

**F. Failure to Comply. Failure to follow established building rules and procedures.**

**1. Maximum Sanction. Long-term suspension.**

**2. Extracurricular Sanction. Suspension from extracurricular activities during the time of suspension.**

**G. Open Campus/Unauthorized Area Violation. Violating established open campus rules and/or being in an unauthorized location without permission.**

**1. Maximum Sanction. Long-term suspension.**

**2. Extracurricular Sanction. Suspension from extracurricular activities during the time of suspension.**

**H. Cheating or Plagiarism. Cheating on examinations including but not limited to ELO examinations. Plagiarism on projects including but not limited to reports, research papers, and portfolios.**

**1. Maximum Sanction. Long-term suspension.**

**2. Extracurricular Sanction. Suspension from extracurricular activities during the time of suspension.**

**I. Insubordination/Defiance/Non-Compliance. Disrespect for, defying authority of, or refusing to obey requests or directions of teachers, school officials or school employees.**

**1. Maximum Sanction. Expulsion.**

**2. Extracurricular Sanction.** Suspension from extracurricular activities during the time of suspension or expulsion.

**J. Disruptive Behavior.** Behavior or possession of any item that materially interferes with or substantially disrupts class work, school activities, or the educational process.

**1. Maximum Sanction.** Expulsion.

**2. Extracurricular Sanction.** Suspension from extracurricular activities during the time of suspension or expulsion.

**K. Nuisance Items.** Any item in a student's possession that is sufficiently annoying, offensive, unpleasant, or obnoxious that it substantially interferes with or materially interrupts the educational process. These items may include, but are not limited to all electronic devices and toys.

**1. Maximum Sanction.** Expulsion.

**2. Extracurricular Sanction.** Suspension from extracurricular activities during the time of suspension or expulsion.

**L. Unlawful Activity.** Engaging in any unlawful activity not specifically covered herein, which constitutes a danger to other students or school personnel, or interferes with school purposes or the educational process. Neb. Rev. Stat. §79-267(10).

**1. Maximum Sanction.** Expulsion.

**2. Extracurricular Sanction.** Suspension from extracurricular activities during the time of suspension or expulsion.

**M. False Complaints.** False accusations or complaints against another student or staff member.

**1. Maximum Sanction.** Long-term suspension.

**2. Extracurricular Sanction.** Suspension from extracurricular activities during the time of suspension.

**N. Student Identification.** Failure of a high school student to present the school approved student identification card upon the request of a District staff member while on District property, in a vehicle owned, leased, or contracted by a school being used for a school purpose or in a vehicle being driven for a school purpose by a school employee or by his or her designee, or at a school-sponsored activity or athletic event, or any other place where the governing law permits the District to discipline students for prohibited conduct.

**1. Maximum Sanction.** Short-term suspension.

**2. Extracurricular Sanction.** Suspension from extracurricular activities during the time of suspension.

## **VII. Repeated Offenses or Series of Prohibited Conduct.**

**A. Two (2) or more violations of prohibited conduct or violation of two (2) or more of the acts prohibited herein within the current building level, which constitute a substantial interference with school purposes. Neb. Rev. Stat. §79-267(11).**

**1. Sanction. Unless otherwise provided herein, prohibited conduct otherwise subject to short-term suspension may be subject to long-term suspension; conduct otherwise subject to long-term suspension may be subject to expulsion; prohibited conduct initially subject to expulsion may be again subject to expulsion.**

## **VIII. Curtailment of Extracurricular Activities.**

**A. General Statement. When reasonably necessary to aid the student, further school purposes, or prevent interference with the educational process, the District shall curtail a student's participation in District extracurricular activities. Students shall not be permitted to be on District property or participate in or attend District-sponsored extracurricular activities during the time period that the student is excluded from school for disciplinary reasons. In addition, students may be curtailed from extracurricular activities for misconduct taking place off school grounds and not at a school function, activity, or event. Curtailment may also occur outside the academic school year if the misconduct takes place on District property or during a school-sponsored activity pursuant to the provisions of this section.**

### **B. Period of Ineligibility for Conduct on School Grounds.**

**1. Period of Ineligibility. During any time period that a student is excluded from school due to short-term suspension, long-term suspension, expulsion, or emergency exclusion for conduct occurring on District property, in a vehicle owned, leased, or contracted by a school being used for a school purpose or in a vehicle being driven for a school purpose by a school employee or by his or her designee, or at a school-sponsored activity or athletic event, or any other place where the governing law permits the District to discipline students for prohibited conduct, the student so excluded shall also be ineligible for participation in extracurricular activities for the entire period of exclusion from school, and will also be prohibited from being on District property or attending any District-sponsored extracurricular events during the period of exclusion from school.**

### **C. Period of Ineligibility for Conduct off School Grounds.**

**1. Period of Ineligibility. The prohibited conduct contained in Sections II (B), (D), (F), and (G), III (A), and (B), and V (B) of this Rule, shall subject the student to the periods of ineligibility for extracurricular activities therein provided for conduct occurring off school grounds and not at a school event during the academic school year.**

**D. District Events During Ineligibility Period. Students who are ineligible for participation in extracurricular activities will also be prohibited from attending any District-sponsored extracurricular events during the ineligibility period.**

**E. Effective Following Semester if Necessary.** The ineligibility period shall remain in effect during the following semester (including the following school year) if there are insufficient school days in the semester to complete the ineligibility period.

**F. Extracurricular Commutation.** Penalties assigned under this section may be reduced by the Superintendent or Superintendent's designee upon the successful completion of counseling, community service, or other alternatives to curtailment set by the District. The District shall have the sole discretion in determining whether the student is eligible for commutation, and what form the counseling, community service, or other alternatives to curtailment must be successfully completed before commutation may take place. Any costs associated with counseling, community service, or other alternatives to curtailment shall be borne by the student or the student's parent(s) or guardian(s).

**G. Effective Date.** The effective date of the curtailment of extracurricular activities shall be the date that the principal or principal's designee provides the student with the oral or written notice of the charges, except the principal shall not issue a letter of curtailment until there is a student admission, court decision or citation.

## **IX. DEFINITIONS.**

**A. "Academic school year"** shall mean the time students are in school during the dates and times set by the school calendar and adopted by the Board, including summer school.

**B. "Alcoholic beverage"** shall mean any substance subject to the jurisdiction of the Nebraska Liquor Commission.

**C. "Citation"** shall mean a written complaint, writ, summons, requirement to appear, ticket, uniform citation form, decree, notice, warrant, indictment, information, or other legal process issued by a law enforcement officer or prosecuting authority, which charges the student with committing an offense against the law, whether given directly to the student or the student's parent or guardian, or forwarded to a federal, state, county, or municipal attorney, prosecutor, or prosecuting authority.

**D. "Controlled substance"** shall mean opiates, opium derivatives, depressants, stimulants, and the substances and derivatives as defined by Neb. Rev. Stat. §28-401(4) including, but not limited to, "uppers", "downers", barbiturates, amphetamines, LSD, heroin, hashish, hallucinogenic substances, cocaine, and substances such as glue, to the extent any such substance is used for the purpose of mood or behavior alteration by a student, and any other substance which alters the mood or behavior and which is not taken for medical purposes (e.g., steroids).

**E. "Current building level"** shall mean the current education level in which the student is enrolled (i.e., grades 9-12 are the high school building level, grades 6-8 are the middle school building level, and grades K-5 are the elementary school building level).

**F. “Curtailement of extracurricular activities” shall mean that the student is ineligible for participation in or attending any extracurricular activities. During any time that a student is excluded from school for conduct occurring while within school jurisdiction, the student is ineligible for participation in or attending any extracurricular activities.**

**G. “Deadly weapon” shall mean any firearm, knife, bludgeon, or other device, instrument, material, or substance, whether animate or inanimate, which in the manner it is used or intended to be used is capable of producing death or serious bodily injury. Neb. Rev. Stat. §28-109(7); Neb. Rev. Stat. §79-265.01.**

**H. “Destructive device” shall mean (1) any explosive, incendiary, chemical or biological poison, or poison gas-bomb, grenade, rocket having a propellant charge of more than four (4) ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, booby trap, Molotov cocktail, bottle or pipe bomb, vessel or container intentionally caused to rupture or mechanically explode or device similar to any of the devices described in the proceeding clauses; (2) any type of weapon (other than a shotgun shell which is generally recognized as particularly suitable for sporting purposes) by whatever name known which will, or which may be readily converted to expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and (3) any combination of parts either designed or intended for use in converting any device into any destructive device or from which a destructive device may be readily assembled.**

**I. “Distribution or attempted distribution to or receipt or attempted receipt from, any other person” shall mean all actions, activities, and communications, whether verbal, written, or electronic, involved with the transfer or attempt to transfer, or the receipt or attempt to receive any illegal narcotic drug, controlled substance, marijuana, look-a-like substance, mood-altering or behavior affecting substance, alcohol, prescribed medications, or non-prescribed medications. These terms shall be broadly construed and interpreted to include, but not be limited to, any and all actions, activities, and communications concerning the sale, transfer, trading, offering, gifting, receiving, purchasing, soliciting, and/or acceptance of the aforesaid substances, whether or not a transfer is actually made, and whether or not the student comes into actual possession thereof.**

**J. “Drug paraphernalia” shall mean all equipment, products, materials, and items which are used, intended for use, altered for use, or designed for use, in manufacturing, injecting, ingesting, inhaling, vaporizing, or otherwise introducing into the human body any controlled substance.**

**K. “Exclusion” shall mean that time period a student is excluded from school during short-term suspension, long-term suspension, emergency exclusion, or expulsion. It may also mean that time period that the student is mandatorily reassigned.**

**L. “Expulsion” shall mean exclusion from all schools in the District (except the location designated for alternative education).**

**M. “Extracurricular activities” shall mean all athletic teams, activities, groups, clubs, homecomings, proms, dances, graduation ceremonies, and all other organizations or events sponsored by or associated with the District which are not part of the District curriculum.**

**N. “Firearms” shall mean (1) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (2) the frame or receiver of any such weapon; (3) any firearm muffler or firearm silencer; or (4) any destructive device. Such term does not include an antique firearm.**

**O. “Illegal narcotic drug” shall mean the illegal substances as defined by Neb. Rev. Stat. §28-401(15).**

**P. “Ineligibility period” shall mean that period of time that a District student is prohibited from participating in and/or attending any District extracurricular activities.**

**Q. “Injury” shall mean damage to a person that results in a specific wound or wounds that requires first aid treatment or a physician’s care.**

**R. “Long-term suspension” shall mean exclusion from all schools in the District for more than five (5) school days but less than twenty (20) school days. If there are insufficient school days in the first semester to complete the suspension period, the suspension period will be carried over to the second semester.**

**S. “Look-a-like substance” (also known as imitation controlled substance) shall mean any substance which is not a controlled substance, but which by its appearance (including, but not limited to, color, shape, size, markings, or packaging) or by representations made, induce or are intended to induce, persons to believe that the substance is a controlled substance. “Look-a-like substance” shall include any beverage containing alcohol or a beverage that is represented to contain alcohol.**

**T. “Medication” shall be broadly defined and shall mean all prescribed medications, over the counter and other non-prescribed medications, and all chemical substances, compounds, homeopathic substances, herbs, vitamins, and/or devices, which purport to aid in a person’s health or well-being or are intended for use in the diagnoses, cure, mitigation, treatment, or prevention of diseases, or are intended to affect the structure or any function of the body; and any device, instrument, apparatus, implement, machine, contrivance, implant, or other similar or related article, including any component part or accessory, which is prescribed by a physician, physician assistant, or advanced practice registered nurse, and dispensed by a pharmacist or other person authorized by law.**

**U. “Non-prescribed medication” shall mean all medications which are available without a prescription or order from a person who is licensed under the laws of Nebraska to prescribe medications.**

**V. “On school grounds” shall mean on District property, in a vehicle owned, leased, or contracted by the District being used for a school purpose or in a vehicle being driven for a school purpose by a school employee or his or her designee, or at a school-sponsored activity or athletic event, or any other place where the governing law permits the District to discipline students for prohibited conduct.**



**W. “One year” shall mean the three hundred sixty-five (365) days that follow the acts at issue.**

**X. “Possession of a substance” shall mean situations where a student has on his or her person, within his or her personal property, within his or her vehicle, within school property assigned to him or her or under his control, a substance prohibited under this Rule, while on District property, in a vehicle owned, leased, or contracted by the District being used for a school purpose or in a vehicle being driven for a school purpose by a school employee or his or her designee, or at a school-sponsored activity or athletic event.. Small or trace amounts of a prohibited substance constitute possession of a substance. Student admissions, student statements, and/or positive results from alcohol or other drug screening and testing technology are reasonable information of the possession of prohibited substances.**

**Y. “Prescribed medication” shall mean all medications which are available only with a prescription or order from a person who is licensed under the laws of Nebraska to prescribe medications.**

**Z. “Prior violations” shall mean violations of the involved conduct violation or any other cited subsections, which occurred while the student is in the current building level. Student conduct violations which occurred in another school district at the current building level shall be included as prior violations. For suspension, expulsion, or reassignment purposes, prior violations shall only include previous student conduct violations which occurred on school grounds. For curtailment of extracurricular activities purposes, prior violations shall include previous student conduct violations which occurred on or off school grounds.**

**AA. “Public indecency” shall mean performing, procuring, or assisting any other person to perform, in a public place and where the conduct may reasonably be expected to be publicly viewed: (1) An act of sexual penetration; (2) an exposure of the genitals, female breasts or buttocks of the body done with intent to affront or alarm any person; or (3) a lewd fondling or caressing of the body of another person of the same or opposite sex.**

**BB. “Reasonable information that the student has committed a prohibited act” shall mean such amount of information from which a reasonable school administrator who is not acting based on improper motives such as discrimination, retaliation, revenge, or retribution, could reasonably conclude that the student engaged in the prohibited acts in question. Such amount of information shall not be evidence beyond all reasonable doubt, or clear and convincing evidence, or even a preponderance of the evidence. Such reasonable information shall be evaluated within the context of an orderly and effective educational process, and shall not be evaluated within the context of any laws, regulations, rules, practices, or procedures which may be applicable in any criminal or civil judicial proceedings, administrative officer proceedings, law enforcement or administrative agency investigation proceedings, or formal evidentiary proceedings.**

**CC. “School day” shall mean any day that school is in session and students are attending academic courses. It does not include days that practices for extracurricular activities are held during the summer, or weekends and vacations that occur during the academic school year.**

**DD. “School jurisdiction” shall mean on District property, in a vehicle owned, leased, or contracted by the District being used for a school purpose or in a vehicle being driven for a school purpose by a school employee or his or her designee, or at a school-sponsored activity or athletic event, or any other place where the governing law permits the District to discipline students for prohibited conduct.**

**EE. “Semester” shall mean the equivalent of one half of the required student instructional days.**

**FF. “Sexual assault” shall mean sexual assault in the first or second degree as defined in Neb. Rev. Stat. §§28-319 and 320, or sexual assault of a child in the first, second or third degree as defined in Neb. Rev. Stat. §§28-319.01 and 320.01, as such statutes now provide or may hereafter be amended. Sexual assault in the first degree occurs when a person subjects another person to sexual penetration without the consent of the victim, or when a person who is nineteen years of age or older subjects another person who is at least twelve but less than sixteen years of age to sexual penetration. Neb. Rev. Stat. §28-319. Sexual assault in the second degree occurs when a person subjects another person to sexual contact without the consent of the victim and the actor causes serious personal injury to the victim. Neb. Rev. Stat. §28-320. Sexual assault of a child in the first degree occurs when a person who is nineteen years of age or older subjects another person under twelve years of age to sexual penetration. Neb. Rev. Stat. §28-319.01. Sexual assault of a child in the second degree occurs when a person who is nineteen years of age or older subjects another person fourteen years of age or younger to sexual contact and the actor causes serious personal injury to the victim. Neb. Rev. Stat. §28-320.01. Sexual assault of a child in the third degree occurs when a person who is nineteen years of age or older subjects another person fourteen years of age or younger to sexual contact and the actor does not cause personal injury to the victim. Neb. Rev. Stat. §28-320.01.**

**GG. “Sexual or intimate parts” shall mean the genital area, groin, inner thighs, buttocks or breasts.**

**HH. “Short-term suspension” shall mean exclusion from all schools in the District not to exceed five (5) school days. If there are insufficient school days in the first semester to complete the suspension period, the suspension period will be carried over to the second semester.**

**II. “Under the influence” shall mean the manifestation of physical and physiological symptoms or reactions caused by the use of any illegal narcotic drug, controlled substance, marijuana, mood-altering or behavior-affecting substance, prescribed medication by a student for whom the prescribed medication was not prescribed, or alcohol. Factors which may be taken into consideration are: the odor of a prohibited substance on the student’s breath or clothes, glassy eyes, slurred speech, physical mobility, and such other factors which the training of school administrators indicates as being reasonable information of the use of prohibited substances or being under the influence of the same. Student admissions, student statements, and/or positive results from alcohol or other drug screening and testing technology, are reasonable information of the use and possession of prohibited substances or being under the influence of the same.**

**JJ. “Use of substance” shall mean situations where there is reasonable suspicion to believe a student has assimilated a prohibited substance or is under the influence of the same while on District property, in a vehicle owned, leased, or contracted by the District being used for a school purpose or in a vehicle being driven for a school purpose by a school employee or his or her designee, or at a school-sponsored activity or athletic event. Factors which may be taken into consideration are: the odor of a prohibited substance on the student’s breath or clothes, glassy eyes, slurred speech, physical mobility, and such other factors which the training of school administrators indicates as being reasonable information of the use of prohibited substances or being under the influence of the same. Student admissions, student statements, and/or positive results from alcohol or other drug screening and testing technology, are reasonable information of the use and possession of prohibited substances or being under the influence of the same.**

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**November 4, 2013**

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January 15, 2024

**Reaffirmed**

January 4, 2021

## **Related Policies and Rules**

**[5300.3: Bullying](#)**

**[5400.1: Student Discipline](#)**

**[5400.2: Discipline of Students with Disabilities](#)**

**[5400.3: Discipline of Students under Section 504 of the Rehabilitation Act of 1973](#)**

**[5400.4: Curtailment of Extracurricular Activities](#)**

**[5400.5: Academic Credit for Expelled and Suspended Students](#)**

**[5410.1: Substance Abuse](#)**

**[5470.1: Procedures for Law Enforcement Questioning and Apprehension of Students](#)**

**[5480.1: Search and Seizure](#)**

**[5490.1: Use of Alcohol and other Drug Screening and Testing Technology](#)**

**[5600.2: Possession and Use of Medication](#)**

## **Legal Reference**

**Neb. Rev. Stat. §§28-319, 319.01, 320 and 320.01**

**Neb. Rev. Stat. §28-401**

**Neb. Rev. Stat. §§28-502 and 504**

**Neb. Rev. Stat. §§28-511, 518 and 519**

**Neb. Rev. Stat. §28-907**

**Neb. Rev. Stat. §28-1202 et seq.**

**Neb. Rev. Stat. §28-1341**

**Neb. Rev. Stat. §79-254n**

**Neb. Rev. Stat. §79-265.01**