

TITLE 92 - NEBRASKA DEPARTMENT OF EDUCATION
CHAPTER 17 - APPROVAL OF ALTERNATIVE SCHOOLS, CLASSES, OR
PROGRAMS FOR EXPELLED STUDENTS

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001 General Information

001.01 Statutory Authority. This Chapter is adopted pursuant to Section 79-266 of the Revised Statutes of Nebraska which requires that:

"(1) Beginning July 1, 1997, each school district shall have an alternative school, class, or educational program or the procedures of subsection (2) of this section available or in operation for all expelled students. Any two or more school boards may join together in providing alternative schools, classes, or educational programs. Any district may by agreement with another district send its suspended or expelled students to any alternative school, class, or educational program already in operation by such other district. An educational program may include, but shall not be limited to, individually prescribed educational and counseling programs or a community-centered classroom with experiences for the student as an observer or aide in governmental functions, as an on-the-job trainee, or as a participant in specialized tutorial experiences. Such programs shall include an individualized learning program to enable the student to continue academic work for credit toward graduation. The State Department of Education shall adopt and promulgate rules and regulations relating to alternative schools, classes, and educational programs."

001.02 An alternative school, class, or educational program for expelled students shall be approved if it meets the respective provisions of this Chapter.

001.03 The requirements of this rule are only applicable to alternative schools, classes, or programs provided for expelled students or to procedures provided for expelled students in districts not providing alternative schools, courses or programs.

002 Definitions. As used in this Chapter.

002.01 Board means the State Board of Education.

002.02 Commissioner means the State Commissioner of Education.

002.03 Department means the State Department of Education, which is comprised of the Board and the Commissioner of Education.

002.04 Alternative Schools, Classes, or Programs means that special category of schools, classes, or programs required by law to be provided for expelled students.

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002.05 Learning Program means a general program or plan for all expelled students, or an individualized program adapted from a generally offered program, or an individualized program developed by the school and/or designated staff member to assist an expelled student in achieving credit toward graduation.

002.06 School District means public school districts only.

002.07 School Board means the school board or board of education of a public school district.

003 Establishment and General Requirements of Alternative Schools, Classes, or Programs

003.01 Effective July 1, 1997, the school district shall provide an alternative school, class, or program or shall carry out the procedures of Section 79-266 (2) found in Section 005 of this Rule for students who have been expelled.

003.01A The alternative school, class, or program for expelled students may be provided by the district, through a cooperative arrangement of two or more districts, or through an arrangement with an educational service unit.

003.01B Alternative schools, classes, or programs for expelled students may include community-based programs, home-based programs, specialized tutorial experiences, distance-learning, or other programs approved by the local board of education.

003.01C The school, class, or program for expelled students shall enable the student to continue academic work for credit, and shall also include the standard of student behavior and cooperation required of the student to complete the alternative learning program.

003.01D If the student fails to meet any of the conditions of the learning program, the district may, without further obligation, terminate the program after a due process hearing, as required in statutory provisions for suspension and expulsion of students, unless waived by the parent or legal guardian.

003.02 The school district shall have a written policy or plan describing how credit is awarded to students participating in alternative schools, classes, or programs for expelled students.

003.03 The school district shall make known to expelled students what alternative school(s), class(es), or program(s) is (are) available. If the parent or guardian

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should refuse to participate, the district has no further obligation with regard to provision of an alternative school, class, or program.

003.04 Teachers assigned to an alternative school, class, or program for expelled students being provided on-site by a school district or an educational service unit shall hold a valid Nebraska Teaching or Administrative Certificate issued pursuant to 92 NAC 21. Community-based or other off-site programs shall be planned in cooperation with and monitored or supervised by a school district staff member holding a Nebraska Teaching or Administrative Certificate issued pursuant to 92 NAC 21.

003.05 Alternative schools, classes, or programs for expelled students may be conducted at times other than the regular school day.

004 Reporting Procedures

004.01 Effective with the 1997-98 school year, each school district shall assure, in a manner prescribed by the Department, that the district is in compliance with the requirements of this Chapter.

004.02 Each school district shall annually report, in a manner prescribed by the Department, a description of the circumstances for any expelled student who knowingly and intentionally possessed, used, or transmitted a firearm on school grounds, 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 his or her designee, or at a school-sponsored activity or athletic event. The report shall include:

004.02A The name of the school concerned.

004.02B The number of students expelled from the school.

004.02C The types of weapons concerned.

004.02D The types of programs to which students have been assigned.

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005 Procedures for Districts Not Providing An Alternative School, Class, or Educational Program.

005.01 Statutory Authority. These procedures are adopted pursuant to Section 79-266 (2) of the Revised Statutes of Nebraska which require that:

“(2) If a district does not provide an alternative school, class or educational program for expelled students, the district shall follow the procedures in this subsection prior to expelling a student unless the expulsion was required by subsection (4) of section 79-283: A conference shall be called by a school administrator and held to assist the district in the development of a plan with the participation of a parent or legal guardian, the student, a school representative, and a representative of either a community organization with a mission of assisting young people or a representative of an agency involved with juvenile justice. The plan shall be in writing and adopted by a school administrator and presented to the student and the parent or legal guardian. The plan shall (a) specify guidelines and consequences for behaviors which have been identified as preventing the student from achieving the desired benefits from the educational opportunities provided, (b) identify educational objectives that must be achieved in order to receive credits toward graduation, (c) specify the financial resources and community programs available to meet both the educational and behavioral objectives identified, and (d) require the student to attend monthly reviews in order to assess the student’s progress toward meeting the specified goals and objectives.”