



## REPORTING SUSPENSIONS, EXPULSIONS AND EXCESSIVE ABSENTEEISM

2011 State Data Conference – Accountability Counts

Jill Aurand

### EXCESSIVE ABSENTEEISM MONTHLY COLLECTION

#### **Excessive Absenteeism**

Per §79-209, "All school districts shall have a written policy on excessive absenteeism ... (that) ... shall state the number of absences or the hourly equivalent upon the occurrence of which the school shall render all services in its power to compel such child to attend ... school ... in an attempt to address the problem of excessive absenteeism....If the child is absent more than twenty days per year or the hourly equivalent, the attendance officer shall file a report with the county attorney of the county in which such person resides."

#### **Reasons Absent**

- *Long-Term Suspensions* - The exclusion of a student from attendance in all schools within the system for a period exceeding five school days but less than twenty school days (§79-256)
- *Expulsions* - The exclusion from attendance in all schools within the system in accordance with §79-283
- *Medical* - Student was unable to attend school due to illness or other medical reason.
- *Other* - Any reason not meeting the definition of Long-Term Suspensions, Expulsions or Medical.

#### **FAQs**

Q1. How do we provide for students who have exited the school district before or during the various reporting periods? If a student is not enrolled on the end date of the reporting period, can we exclude the student from the report?

A1. If a student was enrolled for more than 2 days and met the definition of absent more than 2 days during the reporting period, they should be included in the excessive absenteeism count, even if that student was no longer enrolled on the last day of the reporting period.

Q2. If a student leaves the district, then returns at a later date, does the cumulative count start over?

A2. No. The cumulative count of days that the student was absent does not restart if the student leaves your district, then re-enrolls.

Q3. Are we to report all absences – including excused or unexcused or just unexcused absences?

A3. A district is required to report absences regardless of whether they were excused or unexcused.

Q4. Our district contracts with a private Alternative Education program to educate expelled and adjudicated youth. If they contact law enforcement regarding a student's behavior, would this be reportable under IV. Contacts?

A4. Yes. In this instance, the contracting agency contacted law enforcement on your behalf, and should be reported under IV. Contacts.

Q5. Should students who have been expelled but are attending an alternative program be counted as absent?

A5. No. Do not count students who are expelled where student is attending an alternative school, class or education program pursuant to Section 79-266(1).

Q6. Do funerals fall under the Other category?

A6. Yes.

Q7. Are in-school suspensions reported?

A7. No. Section 79-256(1) defines long-term suspension to mean "the exclusion of a student from attendance in all schools within the system for a period exceeding five school days but less than twenty school days". An "in-school suspension" means the student is in attendance and therefore is not absent.



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Q8. Should absences for school activities be reported on the Excessive Absenteeism report?

A8. Title 92, Nebraska Administrative Code, Chapter 2, Section 006.02 provides that students shall be counted as present when actually at school or is present at a school sponsored activity which is supervised by a member or members of the school staff.

Q9: How should information be reported for year-round schools that start the year in July?

A9: For these schools, the August/September collection period should include all information from the first day of the enrollment period until the last day in September. These schools could have as much as three full months of excessive absenteeism data in their August/September information.

Q10. If a student is suspended for 5 days or less, where should they be reported?

A10. A student is reported in Other if their suspension is for 5 days or less. Only students who have a suspension for more than 5 days should be reported in Long-Term Suspension.

Q11. How many days of excessive absenteeism before letters are sent to parents?

A11. The statute specifically referring to a "written notice to the person violating section 79-201 (compulsory education)" was stricken by the passage of LB800. It is no longer required by statute that a letter be sent to parents concerning a student's excessive absenteeism.

Q12. How many days of excessive absenteeism before a referral needs to be made to the county attorney?

A12. State statute 79-209 now states that "If the child is absent more than twenty days per year or the hourly equivalent, the attendance officer shall file a report with the county attorney of the county in which such person resides." Thus, contacting the county attorney must be done once a child has exceeded 20 days of absenteeism, or the hourly equivalent.

Q13. If a student has been suspended on 3 different occasions – 1st time for 3 days, 2nd time for 5 days, and 3rd time for 5 days - would we classify this under Other since he has never been suspended for longer than 5 days at one time or would it be under Long Term Suspension since his number of suspension days equal 13 days total?

A13. The student would be categorized as Other, because none of the suspensions exceed 5 days.

Q14. If suspended or expelled students continue to turn in school work, should they be counted as absent?

A14. Students who are suspended or expelled are counted as absent unless they continue to be in a school setting during their suspension or expulsion, such as serving their suspension in-school or attending an alternative school.

Q15. If a part-time student only attends class in the mornings, how do we determine when they have reached the Excessive Absenteeism threshold of "more than 2 days or the hourly equivalent"?

A15. The student should be counted on the Excessive Absenteeism report once they have missed more than two days of their program. For this student, they would be included once they missed more than 2 days of morning classes.

Q16. A homebound student is receiving services at home pursuant to a Section 504 plan. Is this student considered absent from school?

A16. No. Section 504 of the Vocation Rehabilitation Act may require a school district to serve the student in the home. As such, the "home" is the "school" for purposes of attendance for this student. So long as the student is present when school officials arrive to provide the services required, then the student is in attendance at school.

Q17. Do we count contacts with the probation/parole officers as contacts with law enforcement?

A17. Juvenile Probation officers or juvenile parole officers would not be law enforcement officials.



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### EXCESSIVE ABSENTEEISM MONTHLY COLLECTION – SAMPLE FORM

		Unduplicated Count of Students									
1.a	Report the number of students enrolled in Kindergarten through 12th grade who were absent from school for more than 2 days (or the hourly equivalent) during the calendar month.	<input style="width: 90%;" type="text"/>									
1.b	Reasons*	<input style="width: 90%;" type="text"/>									
	Long-Term Suspensions	<input style="width: 90%;" type="text"/>									
	Expulsions	<input style="width: 90%;" type="text"/>									
	Medical	<input style="width: 90%;" type="text"/>									
	Other	<input style="width: 90%;" type="text"/>									
<p>*If a student reported in I.a. met the threshold for more than one reason in I.b., count that student in each reason category. For example, if a student was gone for 3 days (1 day for Medical reasons and 2 days for Other reasons) count that student once in I.a., once in I.b. Medical and once in I.b. Other. The sum of the counts in the I.b. may be more than the count in I.a.</p>											
II.	Cumulative Counts - Report the number of students enrolled in kindergarten through 12th grade who were absent from school for more than x days (or the hourly equivalent) from the first day of school through {last day of the reporting month}. <table border="1" style="width: 100%; margin-top: 10px; border-collapse: collapse;"> <tr> <td style="width: 33%;">August/September – N/A</td> <td style="width: 33%;">December – 8 days</td> <td style="width: 33%;">March – 14 days</td> </tr> <tr> <td>October – 4 days</td> <td>January – 10 days</td> <td>April – 16 days</td> </tr> <tr> <td>November – 6 days</td> <td>February – 12 days</td> <td>May/June – 18 days</td> </tr> </table>	August/September – N/A	December – 8 days	March – 14 days	October – 4 days	January – 10 days	April – 16 days	November – 6 days	February – 12 days	May/June – 18 days	<input style="width: 90%;" type="text"/>
August/September – N/A	December – 8 days	March – 14 days									
October – 4 days	January – 10 days	April – 16 days									
November – 6 days	February – 12 days	May/June – 18 days									
<b>REFERRALS</b>		<b>Number of Referrals</b>									
III.	Report the number of referrals during the calendar month to the office of the county attorney for excessive absenteeism of a student enrolled in kindergarten through 12th grade.	<input style="width: 90%;" type="text"/>									
IV.	Report the number of contacts with law enforcement officials during the calendar month by the district or system relative to a student enrolled in kindergarten through 12th grade who is in the district or system.**	<input style="width: 90%;" type="text"/>									
<p>**Do not include contacts with law enforcement officials employed by or contracted with by the school district as school resource officers.</p>											



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### REPORT OF SUSPENSIONS EXPULSIONS

#### **Suspension**

A disciplinary action that results in the exclusion of a student from the school building for a specified period of time. This includes both long-term and short-term suspensions. Report out of school suspensions only.

#### **Expulsion**

A disciplinary action that results in the exclusion from attendance in all schools within the system in accordance with §79-283.

#### **Children with Disabilities (IDEA)**

A child with mental retardation, hearing impairment including deafness, speech or language impairment, visual impairment including blindness, serious emotional disturbance (hereafter referred to as emotional disturbance), orthopedic impairment, autism, traumatic brain injury, developmental delay, other health impairment, specific learning disability, deaf-blindness, or multiple disabilities, and who, by reason thereof, receive special education and related services under the Individuals with Disabilities Education Act (IDEA) according to an individualized education program (IEP) or individual family service plan (IFSP).

#### **Handgun**

A firearm (such as a revolver or pistol) designed to be held and fired with one hand.

#### **Rifle**

For these purposes, rifle is either a rifle or a “short-barreled rifle.”

- A. The term “rifle” means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of an explosive to fire only a single projectile through a rifled bore for each single pull of the trigger.
- B. The term “short-barreled rifle” means a rifle having one or more barrels less than sixteen inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon, as modified, has an overall length of less than twenty-six inches.

#### **Shotgun**

For these purposes, shotgun is either a shotgun or a “short-barreled shotgun.”

- A. The term “shotgun” means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of an explosive to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.
- B. The term “short-barreled shotgun” means a shotgun having one or more barrels less than eighteen inches in length and any weapon made from a shotgun (whether by alteration, modification or otherwise) if such a weapon as modified has an overall length of less than twenty-six inches.

#### **Other Firearm**

Any firearm (see definition below) that is not a handgun or a rifle or a shotgun.

#### **More Than One Type of Firearm**

Counts where multiple types of firearms were brought to school in the same incident.



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### Firearm

A firearm is defined in Title 18 USC §921, Definitions as follows:

- A. 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;
- B. the frame or receiver of any such weapon;
- C. any firearm muffler or firearm silencer; or
- D. any destructive device. Such term does not include an antique firearm.

### Destructive device

The term “destructive device” used in part (D) of the definition of “firearm” means

- A. any explosive, incendiary, or poison gas:
  - i. bomb,
  - ii. grenade,
  - iii. rocket having a propellant charge of more than four ounces,
  - iv. missile having an explosive or incendiary charge of more than one-quarter ounce,
  - v. mine, or
  - vi. device similar to any of the devices described in the preceding clauses;
- B. any type of weapon 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
- C. any combination of parts either designed or intended for use in converting any device into any destructive device described in subparagraph (A) or (B) and from which a destructive device may be readily assembled.

### Illicit Drug Related

Drug-related incidents are events involving possession or use of substances that include tobacco or illicit drugs (including steroids, all prescription drugs for which the student does not have a prescription and inappropriate use of nonprescription drugs and other substances). Drug-related incidents will include the following:

- Possession or use of marijuana, hashish, or other cannabinoids on school grounds.
- Other illicit drugs possession or use on school grounds.
- Being under the influence of marijuana or illicit drugs on school grounds.
- Tobacco possession or use on school grounds.
- Inappropriate use of medication on school grounds.
- Trafficking or possession for sale of marijuana or other illicit drugs on school grounds.

### Alcohol Related

Alcohol-related incidents are incidents where students:

- Possess or use alcohol on school grounds.
- Were under the influence of alcohol on school grounds.

### Weapons Possession

Weapons possession is the possession of one of the following items:

- Handgun.
- Shotgun or rifle.
- Other type of firearm (e.g., devices designed to expel a projectile, grenade, explosive).
- Knife.
- Other sharp object (e.g., razor blade, ice pick, Chinese star).
- Other object (chain, brass knuckle, billy club, stun gun).
- Substance used as a weapon (mace, tear gas).

### Violent Incident

Violent incidents may include, but are not limited to, the following:

- **Battery (physical attack or harm):** Examples include striking that causes bleeding, broken nose, and kicking a student while he or she is down. Consider age and developmentally appropriate behavior before using this category. This category should be used when the attack is serious enough to warrant calling the police or security or when serious bodily harm occurs. Include an attack with a weapon in this category. (This offense may be referred to by law enforcement as aggravated assault.)
- **Fighting (mutual altercation):** Mutual participation in an incident involving physical violence where there is no major injury.
- **Harassment, nonsexual (physical, verbal, or psychological):** Repeatedly annoying or attacking a student or group of students or other personnel that creates an intimidating or hostile educational or work environment.
- **Harassment, sexual (unwelcome sexual conduct):** Unwelcome sexual advances, requests for sexual favors, other physical or verbal conduct, or communication of a sexual nature, including gender-based harassment that creates an intimidating, hostile, or offensive educational or work environment.
- **Homicide (murder or manslaughter):** Killing a human being.
- **Physical altercation, minor (pushing, shoving):** Confrontation, tussle, or physical aggression that does not result in injury.
- **Robbery (taking of things by force):** The taking of, or attempting to take, anything of value that is owned by another person or organization under confrontational circumstances by force or threat of force or violence and/or by putting the victim in fear. A key difference between robbery and theft is that the threat of physical harm or actual physical harm is involved in a robbery.
- **School threat (threat of destruction or harm):** Any threat (verbal, written, or electronic) by a person to bomb or use other substances or devices for the purpose of exploding, burning, or causing damage to a school building or school property, or to harm students or staff.
- **Sexual battery (sexual assault):** Oral, anal, or vaginal penetration forcibly or against the person's will or where the victim is incapable of giving consent. Includes rape, fondling, indecent liberties, child molestation, and sodomy.
- **Threat/intimidation (causing fear of harm):** Physical, verbal, written, or electronic action which immediately creates fear of harm, without displaying a weapon and without subjecting the victim to actual physical attack. (This category only includes verbal incidents that cause fear. It does not include insubordination, lack of respect, defiance of authority, etc.).

### Physical Injury

Incidents with injury include those in which one or more students, school personnel, or other persons on school grounds require professional medical attention. Examples include stab or bullet wounds, concussions, fractured or broken bones, or cuts requiring stitches.



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## REPORT OF SUSPENSIONS/EXPULSIONS SAMPLE FORM

### PART 1 (Sections 1.1 through 1.2)

<b>1.1 Suspensions</b>	
Number of Suspensions: Duplicated Count	
Number of Students Suspended: Unduplicated Count	
A disciplinary action that results in the exclusion of a student from the school building for a specified period of time. This includes both long-term and short-term suspensions. <b>Report out of school suspensions only.</b>	
<b>Total Suspensions During The School Year</b>	
Number of Suspensions (Duplicated Count)	Number of Students Suspended (Unduplicated Count)
<input type="text"/>	<input type="text"/>
<b>Refer to instructions for Definitions</b>	

<b>1.2 Expulsions</b>			
Number of Expulsions: Duplicated Count			
Number of Students Expelled: Unduplicated Count (Student Count)			
A disciplinary action that results in the exclusion from attendance in all schools within the system in accordance with § 79-283.			
<b>Total Expulsions During The School Year</b>			
Number of Expulsions (Duplicated Count)	Number of Students Expelled (Unduplicated Count)		
<input type="text"/>	<input type="text"/>		
		Children with Disabilities	Children without Disabilities
	Educational Services Provided	<input type="text"/>	<input type="text"/>
	Educational Services NOT Provided	<input type="text"/>	<input type="text"/>
<b>Refer to Instructions for Definitions and for more information on reporting</b>			



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**PART 2 (Sections 2.1 through 2.3)**

**2.1 Indicate the number of students and incidents where the school district's firearms policy per §79-263 was violated.**

**STUDENTS:** The unduplicated number of students who were involved in an incident involving a firearm. Include all students who were found to have brought a firearm to school or possessed a firearm at school during the school year. Include students even if the expulsion is shortened or no penalty is imposed. Include students covered by the provisions of IDEA who brought a firearm to school or possessed a firearm at school even if it is determined that the incident is a manifestation of the student's disability.

**INCIDENTS:** The number of incidents involving students who brought or possessed firearms at school. Any incident in which a student was found to have brought a firearm to school or possessed a firearm at school should be reported, even if the expulsion is shortened or no penalty is imposed.

**Refer to the instructions for definitions.**

**2.1.a.**

GRADE	HANDGUNS	RIFLES/SHOTGUNS	OTHER	MORE THAN ONE TYPE
KG				
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				

Brief explanation of what types of firearms were reported in 2.1.a. above. Please describe per incident (i.e., Incident 1, Student brought rifle; Incident 2, Student brought handgun and pipe bomb)

**2.1.b.**

# of Incidents Handguns	# of Incidents Rifles/Shotguns	# of Incidents Other	# of Incidents More Than One
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>



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### 2.2 Gun-Free Schools Violations

Of the students in 2.1.a., how many were charged with a Gun-Free Schools Violation (GFSA, XIV, Part F of ESEA)?

**2.3** Of the students reported in Section 2.1.a., how many were Students with Disabilities as defined in Section 602(a)(1) of the IDEA and had the following method of discipline?

Method	# of Students With Disabilities
Expulsion modified to less than one year, receiving services	<input style="width: 80%; height: 20px;" type="text"/>
One year expulsion not modified, receiving services	<input style="width: 80%; height: 20px;" type="text"/>
Other removal (such as death, withdrawal, or incarceration)	<input style="width: 80%; height: 20px;" type="text"/>
Other disciplinary action	<input style="width: 80%; height: 20px;" type="text"/>

**2.4** Of the students reported in Section 2.1.a., how many were **NOT** Students with Disabilities (IDEA) and had the following method of discipline?

Method	# of Students Without Disabilities
Expulsion modified to less than one year, alternative placement	<input style="width: 80%; height: 20px;" type="text"/>
Expulsion modified to less than one year, no alternative placement	<input style="width: 80%; height: 20px;" type="text"/>
One year expulsion not modified, alternative placement	<input style="width: 80%; height: 20px;" type="text"/>
One year expulsion not modified, no alternative placement	<input style="width: 80%; height: 20px;" type="text"/>
Other removal (such as death, withdrawal, or incarceration)	<input style="width: 80%; height: 20px;" type="text"/>
Other disciplinary action	<input style="width: 80%; height: 20px;" type="text"/>



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### **PART 3 (Section 3.1)**

#### **3.1 Suspensions and Expulsions for Drug or Alcohol Possession or Use, Violence or Weapons Possession**

**SUSPENSIONS/EXPULSIONS:** The number of students removed from their regular education program for at least an entire school day for drug or alcohol possession or use, violence or weapons possession. The count is by grade, removal type (suspension or expulsion), and removal reason. The data is duplicated because a student could have more than one removal reason. However, for each removal reason and removal type, the data should be unduplicated. If a student is involved in more than one incident for the same removal reason, report the student only once. If multiple students were involved in the same discipline incident, they should each be reported.

**INCIDENTS:** The number of incidents by school-aged students during the school year for drug or alcohol possession or use, violence or weapons possession, broken out by removal type (suspension or expulsion). If a student is involved in multiple incidents, each incident should be counted. If multiple students were involved in the same incident, county that incident only once.

**Refer to the instructions for definitions.**

	REMOVAL TYPE	ILLICIT DRUG RELATED	ALCOHOL RELATED	WEAPONS POSSESSION	VIOLENT WITH PHYSICAL INJURY	VIOLENT WITHOUT PHYSICAL INJURY
Grade KG	Suspension					
	Expulsion					
Grade 1	Suspension					
	Expulsion					
Grade 2	Suspension					
	Expulsion					
Grade 3	Suspension					
	Expulsion					
Grade 4	Suspension					
	Expulsion					
Grade 5	Suspension					
	Expulsion					
Grade 6	Suspension					
	Expulsion					
Grade 7	Suspension					
	Expulsion					
Grade 8	Suspension					
	Expulsion					
Grade 9	Suspension					
	Expulsion					
Grade 10	Suspension					
	Expulsion					
Grade 11	Suspension					
	Expulsion					
Grade 12	Suspension					
	Expulsion					
INCIDENTS	Suspension					
	Expulsion					



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Example 1, Part 1: On October 3rd, Karen (11th grade) and Steve (12th grade) are found out behind the school smoking cigarettes during lunch. They each receive a 10 day out-of-school suspension.

Reporting:

### **October Excessive Absenteeism**

I.a : 2

I.b – Long-Term Suspension: 2

II (6 days): 2

III and IV: 0

### **Suspensions/Expulsions**

#### *Part 1*

##### 1.1 Suspensions

Number of Suspensions (Duplicated Count): 2

Number of Students Suspended (Unduplicated Count): 2

1.2 Expulsions: No Expulsions

*Part 2:* No Gun-Free School Violations

#### *Part 3*

##### 3.1 Suspensions and Expulsions for Drug or Alcohol Possession or Use, Violence or Weapons Possession

Grade 11/Suspensions/Illicit Drug Related: 1

Grade 12/Suspensions/Illicit Drug Related: 1

Incidents/Suspensions/Illicit Drug Related: 1

Example 1, Part 2: On November 15th, Karen was caught smoking again, this time with Beth, another 11th grader. Again, 10 day suspensions were given.

Revised Reporting:

### **November Excessive Absenteeism**

I.a : 2

I.b – Long-Term Suspension: 2

II (6 days): 3

III and IV: 0

### **Suspensions/Expulsions**

#### *Part 1*

##### 1.1 Suspensions

Number of Suspensions (Duplicated Count): 4

Number of Students Suspended (Unduplicated Count): 3

1.2 Expulsions: No Expulsions

*Part 2:* No Gun-Free School Violations

#### *Part 3*

##### 3.1 Suspensions and Expulsions for Drug or Alcohol Possession or Use, Violence or Weapons Possession

Grade 11/Suspensions/Illicit Drug Related: 2

Grade 12/Suspensions/Illicit Drug Related: 1

Incidents/Suspensions/Illicit Drug Related: 2



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Example 2: On April 2nd, Larry, a 7th grade IDEA student, brought two of his Grandpa's WWII pistols to school to show off to friends. Larry was expelled and received educational services as required, but his expulsion was modified to just the remainder of the school year.

Reporting:

### **April Excessive Absenteeism**

I.a : 1

I.b – Expulsion: 1

II (16 days): 1

III and IV: 0

### **Suspensions/Expulsions**

#### *Part 1*

1.1 Suspensions: No Suspensions

1.2 Expulsions:

Number of Expulsions (Duplicated Count): 1

Number of Students Expelled (Unduplicated Count): 1

Educational Services Provided/Children with Disabilities: 1

#### *Part 2: Gun-Free School Violations*

2.1.a Number of students where the school district's firearms policy per §79-263 was violated.

Students/Grade 7/Handguns: 1

2.1.b Number of incidents where the school district's firearms policy per §79-263 was violated.

Incidents/Handguns: 1

2.2 Charged with a Gun-Free Schools Violation: 0

2.3 Method of Discipline, Students with Disabilities

Expulsion modified to less than one year, receiving services: 1

2.1 Method of Discipline, Students without Disabilities: 0

#### *Part 3*

3.1 Suspensions and Expulsions for Drug or Alcohol Possession or Use, Violence or Weapons Possession

Grade 7/Expulsions/Weapons Possession: 1



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If you have additional questions, please complete the information below and return it to me. I will take this information back to office and provide you with a response as soon as possible.

Alternately, you can email the information below to me at [Jill.Aurand@Nebraska.gov](mailto:Jill.Aurand@Nebraska.gov)

Name	
District	
Phone	
Email	
Report	<input type="checkbox"/> Excessive Absenteeism Monthly Collection <input type="checkbox"/> Report of Suspensions and Expulsions
Specific Question or Circumstance	