

ONE HUNDRED FIFTH LEGISLATURE - FIRST SESSION - 2017
COMMITTEE STATEMENT
LB595

Hearing Date: Tuesday February 07, 2017
Committee On: Education
Introducer: Groene
One Liner: Provide for the use of physical force or physical restraint or removal from a class in response to student behavior

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye:	5	Senators Ebke, Erdman, Linehan, Groene, Morfeld
Nay:	2	Senators Kolowski, Walz
Absent:		
Present Not Voting:	1	Senator Pansing Brooks

Verbal Testimony:

Proponents:

Senator Mike Groene
Jay Sears

Representing:

Introducer
Nebraska State Education Association

Opponents:

Karen Haase
Brad Jacobsen
Lynn Redding
Jane Byers
Reece Peterson
Brad Meurrens
Janine Brooks
Michael Chittenden
Juliet Summers
Kristen Larsen

Representing:

self
Nebraska Council of School Administrators
self
Nebraska Association of Special Education Supervisors
self
Disability Rights Nebraska
Autism Society of Nebraska
ARC of Nebraska
Voices for Children
Nebraska Planning Council on Developmental Disabilities
self
ACLU

Neutral:

John Lindsay

Representing:

Nebraska Association of Trial Attorneys

Summary of purpose and/or changes:

This bill allows teachers and administrators to use necessary force or physical restraint to defend students, other teachers or administrators, or themselves and to use physical restraint to protect school property. The bill further allows teachers to remove a student who repeatedly interfered with the teacher's ability to teach, whose behavior is so disruptive that it seriously interferes with the teacher's ability to teach, or who commits other disruptive acts, punishable in the Student Discipline Act. The principal can then place the student in another classroom, in-school suspension or out of school suspension. The student cannot be returned to the original classroom without the teacher's permission

unless required pursuant to the special education act or following a conference between the teacher, student parent or legal guardian and the principal or principal's designee.

A teacher or administrator is not subject to legal action or administrative discipline for actions taken under this bill.

Explanation of amendments:

Section 2(4) is amended to clarify that the teacher or administrator is only protected from legal action or administrative discipline if their conduct was reasonable.

Section 3(2) is amended to allow the principal to place the student into out of school suspension as another option when a student is removed from the classroom.

Further, the amendment states that the student is allowed to be returned to the teacher's classroom without the teacher's consent if required pursuant to the Special Education Act or the Federal Individuals with Disabilities Education Act. The amendment also provides that if the teacher refuses consent, a conference shall be held within two school days with the teacher, student parent, or legal guardian, and principal or his or her designee to develop a plan addressing the student's conduct. Following the conference, the student can be readmitted to the class.

Section 3(3) is amended to clarify that the teacher is only protected from legal action or administrative discipline if their conduct was reasonable.

Mike Groene, Chairperson