

AMENDMENTS TO LB147

Introduced by

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Section 79-254, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 79-254 Sections 79-254 to 79-294 and sections 3 and 4 of this act
6 shall be known and may be cited as the Student Discipline Act.

7 Sec. 2. Section 79-258, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 79-258 Administrative and teaching personnel may take actions
10 regarding student behavior, other than those specifically provided in the
11 Student Discipline Act, which are reasonably necessary to aid the
12 student, further school purposes, or prevent interference with the
13 educational process. Such actions may include, but need not be limited
14 to, physical intervention, counseling of students, parent conferences,
15 rearrangement of schedules, requirements that a student remain in school
16 after regular hours to do additional work, restriction of extracurricular
17 activity, or requirements that a student receive counseling,
18 psychological evaluation, or psychiatric evaluation upon the written
19 consent of a parent or guardian to such counseling or evaluation.

20 Sec. 3. (1) Teachers and other school personnel may use reasonable
21 physical intervention to safely manage the behavior of a student to:

22 (a) Protect such student, another student, a teacher or other school
23 personnel, or another person from physical injury; or

24 (b) Secure property in the possession of such student if the
25 possession of such property by such student poses a threat of physical
26 injury to such student, another student, a teacher or other school
27 personnel, or another person.

1 (2) Any physical intervention by a teacher or other school personnel
2 pursuant to subdivision (1)(a) or (b) of this section shall not be used
3 for the purpose of inflicting bodily pain as a penalty for disapproved
4 behavior.

5 (3) Following the use of physical intervention pursuant to this
6 section, a teacher or other school personnel shall contact and notify the
7 parent or guardian of the use of physical intervention.

8 (4) No teacher or other school personnel shall be subject to
9 professional or administrative discipline and no teacher, other school
10 personnel, or school district shall be criminally or civilly liable for
11 the use of physical intervention pursuant to subdivision (1)(a) or (b) of
12 this section if such physical intervention was reasonable. Nothing in
13 this section shall be construed to limit any defense that may be
14 available under any provision of law, including, but not limited to, any
15 defense relating to self-protection or the protection of others.

16 Sec. 4. (1) Each school district shall have a policy that describes
17 the process of removing a student from a class and returning a student to
18 a class. Such policy shall: (a) Describe how and when a student may be
19 removed from a class and returned to a class; (b) use a discipline
20 process that is proactive, instructive, and restorative; (c) require
21 appropriate communication between administrators, teachers or other
22 school personnel, students, and parents or guardians. Such policy shall
23 be made available to the public.

24 (2) Unless prohibited by the federal Individuals with Disabilities
25 Education Act, 20 U.S.C. 1400 et seq., or a plan developed pursuant to
26 section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, as such
27 acts existed on January 1, 2019, an administrator or administrator's
28 designee shall immediately remove a student from a class upon request by
29 a teacher or other school personnel if such teacher or other school
30 personnel has followed school policy in requesting the removal of such
31 student.

1 (3) When a student is removed from a class, the goal must be to
2 return the student to the class as soon as possible after appropriate
3 instructional or behavioral interventions or supports have been
4 implemented to increase the likelihood the student will be successful.
5 For a student with a pattern of disruptive behavior, the school shall
6 provide additional interventions or supports.

7 (4) No teacher or other school personnel shall be subject to
8 professional or administrative discipline and no teacher, other school
9 personnel, or school district shall be criminally or civilly liable for
10 the removal of a student from a class pursuant to this section if such
11 teacher or other school personnel acted in a reasonable manner and in
12 accordance with school policy.

13 Sec. 5. Section 4 of this act becomes operative on August 1, 2020.
14 The other sections of this act become operative on their effective date.

15 Sec. 6. Original sections 79-254 and 79-258, Reissue Revised
16 Statutes of Nebraska, are repealed.