

AMENDMENTS TO LB595

Introduced by Education.

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 2 and 3 of this act
6 shall be known and may be cited as the Student Discipline Act.

7 Sec. 2. (1) If a student becomes physically violent toward himself
8 or herself, a teacher, an administrator, or another student, a teacher or
9 administrator may use necessary physical force or physical restraint to
10 subdue such student until such student no longer presents a danger to
11 himself or herself, the teacher, the administrator, or the other student.

12 (2) If a student exhibits destructive behavior toward school
13 property, a teacher or administrator may use physical restraint to subdue
14 such student until such student ceases the destructive behavior or the
15 student is removed from the classroom.

16 (3) Any action by a teacher or administrator pursuant to subsection
17 (1) or (2) of this section shall not be considered corporal punishment
18 pursuant to section 79-295.

19 (4) Any teacher or administrator defending himself or herself,
20 another teacher or administrator, or a student pursuant to subsection (1)
21 of this section, or protecting school property pursuant to subsection (2)
22 of this section, shall not be subject to legal action or administrative
23 discipline if such teacher or administrator was acting in a reasonable
24 manner.

25 Sec. 3. (1) A teacher may remove a student from a class if the
26 teacher:

27 (a) Has documented that such student has repeatedly interfered with

1 such teacher's ability to communicate effectively with the students in
2 such class or with the ability of students in such class to learn;

3 (b) Determines such student's behavior is so unruly, disruptive, or
4 abusive that it seriously interferes with such teacher's ability to
5 communicate effectively with the students in the class or with the
6 ability of the students in the class to learn; or

7 (c) Determines such student has committed other disruptive acts that
8 merit discipline under the Student Discipline Act.

9 (2) If a teacher removes a student from a class pursuant to this
10 section, the principal of the school may place such student into another
11 appropriate classroom, into in-school suspension, or suspend the student
12 pursuant to section 79-265 or 79-267. The principal may not return such
13 student to a class taught by such teacher without the teacher's consent
14 unless such return is required pursuant to the Special Education Act or
15 the federal Individuals with Disabilities Education Act, 20 U.S.C. 1400
16 et seq. If the teacher does not consent to the student's return to the
17 teacher's classroom, within two school days following the student's
18 removal a conference shall be held with the teacher and the parent or
19 legal guardian of such student in the presence of the principal or the
20 principal's designee for the purpose of determining the causes of the
21 problem and developing a plan implementing possible student behavior
22 improvement mechanisms. Following the conference, the principal may
23 readmit such student to the teacher's class. A principal or other
24 administrator shall not coerce a teacher to consent to the return of a
25 student to a class from which such student was removed pursuant to this
26 section.

27 (3) A teacher shall not be subject to legal action or administrative
28 discipline for removing a student from a class pursuant to subsection (1)
29 of this section if such teacher was acting in a reasonable manner.

30 Sec. 4. Original section 79-254, Reissue Revised Statutes of
31 Nebraska, is repealed.