

AMENDMENTS TO LB147

Introduced by Walz, 15.

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 through 5 of this
6 act shall be known and may be cited as the Student Discipline Act.

7 Sec. 2. Section 79-258, Revised Statutes Supplement, 2019, 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 referral to restorative justice practices or services, rearrangement of
16 schedules, requirements that a student remain in school after regular
17 hours to do additional work, restriction of extracurricular activity, or
18 requirements that a student receive counseling, psychological evaluation,
19 or psychiatric evaluation upon the written consent of a parent or
20 guardian to such counseling or evaluation.

21 Sec. 3. (1) Unless prohibited by the federal Individuals with
22 Disabilities Education Act, 20 U.S.C. 1400 et seq., or a plan developed
23 pursuant to section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794,
24 as such acts existed on January 1, 2020, after every reasonable effort
25 has been made to de-escalate a potentially harmful situation, teachers
26 and other school personnel may use reasonable physical intervention to
27 safely manage the behavior of a student to:

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

3 (b) Secure property in the possession of such student if the
4 possession of such property by such student poses a threat of physical
5 injury to such student, another student, a teacher or other school
6 personnel, or another person.

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

10 (3) Following the use of physical intervention pursuant to this
11 section, a teacher or other school personnel shall ensure that the parent
12 or guardian of the student is contacted and notified of such physical
13 intervention. The school district shall submit a written report to the
14 State Department of Education describing the incident, the events leading
15 up to the incident, steps that were taken to de-escalate the situation,
16 and how the incident was resolved.

17 (4) No teacher or other school personnel shall be subject to
18 professional or administrative discipline for the use of physical
19 intervention pursuant to subsection (1) of this section if such physical
20 intervention was reasonable. Nothing in this section shall be construed
21 to limit any defense that may be available under any provision of law,
22 including, but not limited to, any defense relating to self-protection or
23 the protection of others.

24 Sec. 4. (1) Each school district shall have a policy that describes
25 the process of removing a student from a class and returning a student to
26 a class. Such policy shall: (a) Describe how and when a student may be
27 removed from a class and returned to a class; (b) use a discipline
28 process that is proactive, instructive, and restorative; (c) require
29 appropriate communication between administrators, teachers or other
30 school personnel, students, and parents or guardians. Such policy shall
31 be made available to the public.

1 (2) Unless prohibited by the federal Individuals with Disabilities
2 Education Act, 20 U.S.C. 1400 et seq., or a plan developed pursuant to
3 section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, as such
4 acts existed on January 1, 2020, an administrator or administrator's
5 designee shall immediately remove a student from a class upon request by
6 a teacher or other school personnel if such teacher or other school
7 personnel has followed school policy in requesting the removal of such
8 student.

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

15 (4) No teacher or other school personnel shall be subject to
16 professional or administrative discipline for the removal of a student
17 from a class pursuant to this section if such teacher or other school
18 personnel acted in a reasonable manner and in accordance with school
19 policy.

20 Sec. 5. The State Board of Education may adopt and promulgate rules
21 and regulations to carry out sections 3 and 4 of this act.

22 Sec. 6. Original section 79-254, Reissue Revised Statutes of
23 Nebraska, and section 79-258, Revised Statutes Supplement, 2019, are
24 repealed.