

Legislature - First Session - 2019

Introducer's Statement of Intent

LB147

Chairperson: Senator Mike Groene

Committee: Education

Date of Hearing: February 11, 2019

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

Classroom demeanor is of utmost importance in order to allow students to focus and learn and teachers to effectively communicate to the entire class. The present Student Discipline Act, Neb. Rev. Stat. Sec. 79-254 to 294, outlines what student actions may lead to discipline and empowers school boards to adopt additional conduct policies. The act further authorizes student short and long term suspension, student expulsion and mandatory reassignment as well as describes the student's due process rights.

There is a gap, however, as to what actions teachers and administrators may take to contain an incident by an unruly student. LB 147 fills in this gap. LB 147 allows teachers and administrators to maintain order in the classroom by allowing them to set boundaries. When a student is violent, a teacher or administrator may use necessary contact or physical restraint to subdue them until the student is no longer presents a danger to himself or herself, the teacher or administrator, or other students. Physical restraint is restricted to holding the hands, wrists or torso of a student to control the student's movements. It does not include the use of any mechanical device or binding a student to any object. This bill also allows the teacher or administrator to use physical restraint to protect school property.

The bill further allows teachers to remove a student who repeatedly interferes with the teacher's ability to teach, or whose behavior is so disruptive that it seriously interferes with the class' ability to learn, or who commits other disruptive acts that are presently punishable in the Student Discipline Act. The administration can then place the student in another classroom or in-school suspension or can suspend the student. If the teacher does not consent to the student's return, a conference is held with the parent or legal guardian, the teacher, and the principal within two days following the student's removal.

This bill gives teachers and administrators the assurance that they have control of their classrooms without fear of legal action or administrative discipline as long as their conduct was reasonable.

Principal Introducer: _____

Senator Mike Groene