

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 595

Introduced by Groene, 42.

Read first time January 18, 2017

Committee:

- 1 A BILL FOR AN ACT relating to the Student Discipline Act; to amend
- 2 section 79-254, Reissue Revised Statutes of Nebraska; to provide for
- 3 use of physical force or physical restraint or removal from a class
- 4 in response to student behavior; to harmonize provisions; and to
- 5 repeal the original section.
- 6 Be it enacted by the people of the State of Nebraska,

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

3 79-254 Sections 79-254 to 79-294 and sections 2 and 3 of this act
4 shall be known and may be cited as the Student Discipline Act.

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

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

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

17 (4) Any teacher or administrator defending himself or herself,
18 another teacher or administrator, or a student pursuant to subsection (1)
19 of this section or protecting school property pursuant to subsection (2)
20 of this section shall not be subject to legal action or administrative
21 discipline.

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

24 (a) Has documented that such student has repeatedly interfered with
25 such teacher's ability to communicate effectively with the students in
26 such class or with the ability of students in such class to learn;

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

31 (c) Determines such student has committed other disruptive acts that

1 merit discipline under the Student Discipline Act.

2 (2) If a teacher removes a student from a class pursuant to this
3 section, the principal of the school may place such student into another
4 appropriate classroom, into in-school suspension, or into an alternative
5 education program. The principal may not return such student to a class
6 taught by such teacher without the teacher's consent.

7 (3) A principal or other administrator shall not coerce a teacher to
8 consent to the return of a student to a class from which such student was
9 removed pursuant to this section.

10 (4) A teacher shall not be subject to legal action or administrative
11 discipline for removing a student from a class pursuant to subsection (1)
12 of this section.

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