

Disability Rights Nebraska

Protection and Advocacy for People with Disabilities

May 14, 2019

Dear Senators:

Disability Rights Nebraska is the designated Protection and Advocacy organization for people with disabilities in Nebraska. We work to ensure that Nebraskans with disabilities, especially those who are most vulnerable, are free from harm, abuse, and neglect, and are able to exercise the same rights, opportunities and choices available to all citizens. We oppose LB 165 as currently written.

Although the concept of preventing the suspension or expulsion of early childhood education or kindergarten students is laudable, modifications to the language of LB 165 would be needed before we could support the whole of this legislation. Disability Rights Nebraska is willing to assist and lend our expertise in addressing the following language in LB 165 over the interim.

Section 4(1)(a): We recommend that the threat language be tightened. Even when a student verbally threatens serious bodily injury, that is sufficient to trigger suspension, even if the child has absolutely no actual capacity, executable plan, or even understanding of the meaning of the statement to fulfill such a threat. An early childhood education or kindergarten student who verbally promises to inflict injury might represent bravado but may not be a realistic or credible threat.

Section 4(2)(a): Allows a superintendent to unilaterally change the placement of a student with a disability without input from the student's Individualized Education Program (IEP) team or without any actual evidence of the need for a placement change. This is inconsistent with the requirements of the Individuals with Disabilities Education Act.

We would recommend holding this bill for this session, revising the concerning language over the interim, and resuming this important conversation during the second session in 2020. Again, we would be happy to participate in any revision.

Sincerely,

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