



Disability Rights Nebraska

Protection and Advocacy for People with Disabilities

Coalition Concerned with Restraint Bill and Amendments

For Immediate Release

January 10, 2020

Lincoln, Neb. – While there have been some amendments to the Restraint Bill LB 147, there are still many organizations with grave concerns. All proposed amendments including AM 1803 could lead to an increase in the use of physical restraint, and create grave concerns for increasing disproportionate removals of students with disabilities and students of color from the education they are constitutionally entitled to.

Organizational representatives and concerned citizens will be available for a press conference on Monday at 9 am at the State Capitol in the Rotunda to highlight these concerns, including:

- AM 1803 contains vague language and does not clarify important definitions such as what is and is not “reasonable physical intervention”
- AM 1803 lacks certain exemptions for IEP’s, 504 Plans, and IDEA, potentially leaving statute at odds with itself and federal law
- AM 1803 has limited requirements on training, failing to consider the harmful impacts of inappropriate physical intervention such as restraint
- AM 1803 offers blanket immunity that would give teachers, administrators and school districts protections that police, healthcare providers, nursing home assistants, and even parents don’t have

Reports by the National Disability Rights Network and the Governmental Accountability Office show that children can suffer serious bodily harm and even death at the hands of teachers or school staff when using restraint techniques, especially when they are not appropriately trained.

Use of physical restraint and exclusionary discipline from schools already disproportionately impact Nebraska students of color and students with disabilities. According to the Department of Education’s most recent [Civil Rights Data Collection](#), most students restrained were students with disabilities; while comprising 12 percent of all students enrolled, students with disabilities



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represented 71 percent of all students restrained. Likewise, Nebraska kids who are Black / African American or Native / American Indian were also overrepresented among kids who were physically restrained.

The bill, even as amended, seems to contradict many school districts' existing policies on the use of physical restraints in response to student behavior, sending a confusing signal to school personnel about what rules or protocol to follow, even persuading schools to dilute their existing restraint policies under Rule 10 to match this legislation.

Regarding disproportionate removals: students with disabilities made up only 14% of the total student population, but represented 64% of students subjected to out-of-school suspension. Students of color made up only 39% of the total student population in Nebraska, but represented 60% of all students subjected to out-of-school suspension, 67% of all students expelled, and 79% of all students transferred to an alternative school. Advocates fear LB 147 and AM 1803 will exacerbate these pre-existing disparities.

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