

Disability Rights Nebraska

Protection and Advocacy for People with Disabilities

**Testimony on LB 1217
Before the Education Committee
Nebraska Legislature
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Good afternoon Senator Groene and members of the committee. For the record my name is Brad B-R-A-D Meurrens M-E-U-R-R-E-N-S and I am the Public Policy Director at Disability Rights Nebraska. We are the designated Protection and Advocacy organization for persons with disabilities in Nebraska, and I am here today in strong support of LB 1217.

This bill is important. It not only provides an individualized, direct response to a particular student's behavior, but also collects data to help assess the situation of violence in our schools. Fundamental to the on-going discussion how school personnel should respond to disruptive or violent student behavior are both the assessment of current school violence, and the identification of the root cause of a particular student's behavior. LB 1217 can play a significant role in getting at these answers.

We support the required individualized plan to address student behavior. In order to develop an adequate and effective solution to (or prevention of) a particular student's behavior is to understand what is driving that behavior. Assuming that all student behaviors spring from the same intent produces solutions that will not work universally, as student behaviors do not have universal causes. For example, the behavior(s) may be a manifestation of a student's disability or an undiagnosed disability. These are factors that would need to be recognized and understood in order to derive a successful prevention plan for a student with that disability. Administrators must know what the root cause of the student's behavior, thus the need for an individualized approach.

We support the requirement of developing a plan to respond to a student's potential behaviors so that school personnel responses are not purely reactionary. We support the inclusion of positive behavioral interventions, trauma, and the training components in the plan. However, we would kindly suggest a couple of issues to consider:

1. The plan-inclusive components are permissive. The plan may address the items listed on page 2, lines 14-23, but it is not required to. Which makes us wonder, what then *is* included in the individualized response plan and what other issues could be included in the plan that are not listed in the bill?
2. The plan should also include some component addressing disability. Is there a disability diagnosis or is there an undiagnosed condition? If so, what types of services does the student have or need? With the permissive language and the specific issues included in the response plan, the bill, as currently written, will likely miss these issues. However, they may play a key role in understanding and addressing the root cause of a student's behavior.

We support the data collection in subsection (4). Our only suggestion is that perhaps there could be language to ensure that the report be made public or accessible by the public.

We would be happy to discuss with Senator Wayne and/or the committee on any of these friendly suggestions.

We recommend that LB 1217 be advanced.