

Disability Rights Nebraska

Protection and Advocacy for People with Disabilities

Dear Senators:

Disability Rights Nebraska continues to oppose unfettered and unaccountable use of physical force applied to students as outlined in AM 719 to LB 529.

Just to be clear, the safety and security of teachers, administrators, and students is of paramount concern. Establishing and maintaining a safe and secure teaching environment and culture is also fundamental to the ability of teachers to teach and students to learn. While we appreciate the attention paid to behavioral health training in the bill, we cannot support AM 719's greenlighting the use of physical force on students.

AM 719 is not focused on solving or preventing behavioral problems, but rather is focused on encouraging school staff to put hands on students when staff perceive any level of conflict. Ironically AM 719 still continues to lack qualifying language on these types of threats or injuries (despite repeated calling for tighter language). Even the existing school policies on this issue have better language than AM 719:

- Omaha Public School policy: "Physical restraint may be used only in situations in which the student's behavior poses ***an imminent danger of physical harm*** to the student or others.
- North Platte District policy: "Physical restraint may be used in the following circumstances: To prevent a student from ***completing an act*** that would result in injury to the student or others when there is a ***substantial risk that the student would commit the act...***

AM 719 would permit staff to physically intervene for the slightest perception of threat or possible physical injury (undefined).

AM 719 contains no language regarding de-briefing or discussing techniques or supports to prevent offending behavior. AM 719 just tells parent(s)/guardian that staff laid hands on their student but ignores the discussion about prevention—what goal is achieved by just announcing that a student has been restrained? AM 719 thumbs its nose at parents' concerns about the safety and treatment of their student.

AM 719 ignores attempts to identify and stem repeated violations. If a student engages in offending behavior repeatedly, all AM 719 prescribes is more physical intervention. No attempt to figure out the underlying causes and address them, but more and more physical force.

AM 719 dilutes the behavioral health awareness training proposed in LB 529 as it requires the behavioral health awareness training to include an explanation of this Act and the classroom removal policies (germaneness set aside). Additionally, “other school personnel” can freely utilize physical force on students, yet they are not required to be trained either in behavioral awareness or even utilizing physical force safely. Should not all the people who are given the unquestioned authority to lay hands on students be trained? Is not that the goal of the training?

Additionally, we note that simply possessing property that a school staff believes is threatening is enough to trigger physical altercation. However, is the possession of property threatening the safety of others or is it the threat of *using* said property? Again, AM 719 greenlights the use of physical force without any sufficient safeguards or accuracy. As we have said on previous versions of this language: AM 719 is “restrain first, ask questions later”. However, there may not even be the asking questions piece given AM 719 gives school staff seemingly blanket immunity from any scrutiny when they laid hands on a student.

Finally, we again note that there is no language in AM 719 about using physical force on students as a last resort or that all school staff should be prohibited from using “prone restraint” given its demonstrated risks of asphyxiation.

Disability Rights Nebraska strongly encourages AM 719 not be adopted while LB529 should advance.

Brad Meurrens
Public Policy Director
brad@drne.org
402-474-3183