

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE BILL 977

Short Title: Limit Use of Restraints/Seclusion in Schools. (Public)

Sponsors: Senators Dorsett; Dannelly, Holloman, Jenkins, Kinnaird, Lucas, Malone, Metcalf, Moore, and Purcell.

Referred to: Education/Higher Education.

April 3, 2003

A BILL TO BE ENTITLED

AN ACT PERTAINING TO THE USE OF RESTRAINTS AND SECLUSION IN
PUBLIC SCHOOLS.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 115C of the General Statutes is amended by adding a new section to read:

"§ 115C-390.1. Limitations on the use of physical restraint or seclusion of a student.

(a) Physical restraint or seclusion of a student shall be employed only as a necessary and last resort for the protection of persons or property. The duration of the physical restraint or seclusion shall be only as long as necessary for the student to regain control of his or her behavior. Only school personnel who have been trained in the proper use of restraints and seclusion may employ them. Any incident of restraint or seclusion and the detailed reasons for such action shall be documented in the student's discipline records with copies of the documentation form provided to the principal and to the student's parents. School personnel shall immediately notify the student's parents and the school administration when the use of restraint or seclusion is employed. Each student who is restrained or secluded shall be continually observed, and a written notation of the observation shall be made in the student's record.

(b) A school that employs physical restraint or seclusion shall collect data on the use of the restraints and seclusion. The data shall reflect, for each incidence, the type of procedure used, the length of time employed, alternatives considered or employed, and the effectiveness of the procedure or alternative employed. The school shall analyze the data on at least a quarterly basis to monitor effectiveness, determine trends, and make corrective action where necessary. The school shall make the required data available to the local board of education. The data shall also be available to the State Superintendent and the State Board of Education, upon request.

1 (c) Local boards of education shall implement policies and practices that
2 emphasize the use of alternatives to physical restraint and seclusion. Physical restraint
3 and seclusion may be employed only by school personnel who have been trained and
4 have demonstrated competence in the proper use of and alternatives to these procedures.
5 School personnel who employ restraint and seclusion must have annual training and
6 certification.

7 (d) The State Board of Education shall adopt policies to implement this section.
8 These policies shall provide for:

9 (1) School personnel training and competence in:

10 a. The use of positive behavioral supports.

11 b. Communication strategies for defusing and de-escalating
12 potentially dangerous behavior.

13 c. Monitoring vital indicators.

14 d. Administration of CPR.

15 e. Debriefing with student, parent, and school personnel.

16 f. Documentation in student's discipline records.

17 g. Methods for determining school personnel competence,
18 including qualifications of trainers and training curricula.

19 (2) Immediate notification to the parent of the type and duration of the
20 restraint or seclusion.

21 (3) Other matters relating to the use of physical restraint or seclusion
22 necessary to ensure the safe and appropriate use of restraints and
23 seclusion.

24 (e) Upon the death or serious injury requiring medical attention of any student in
25 a public school, the school shall immediately notify the local board of education, the
26 State Superintendent, and the State Board of Education if and when it is determined that
27 the death or serious injury occurred as a result of the use of physical restraint or
28 seclusion of the student.

29 (f) The State Superintendent shall establish a standard reporting format for
30 reporting incidents of restraint and seclusion pursuant to this section, including incidents
31 resulting in death or serious injury requiring medical attention. The State Superintendent
32 shall provide the form to the schools that are subject to this subsection for the schools'
33 use in complying with this subsection.

34 (g) Nothing in this section abrogates State or federal law or other legal
35 requirements pertaining to confidentiality, privilege, or other prohibition against
36 disclosure of information provided to the local board of education, the State
37 Superintendent, and the State Board of Education under this section. In reviewing data
38 requested under this section, the local board of education, State Superintendent and
39 State Board of Education shall adhere to State or federal law and other legal
40 requirements of confidentiality, privilege, and other prohibition against disclosure and
41 release applicable to the information received under this section."

42 **SECTION 2.** This act becomes effective July 1, 2003.