

Physical Restraint

Physical restraint is defined as the use of physical force to restrict the free movement of all or a portion of a student's body. Physical restraint shall be allowed by Transylvania County Schools personnel as a reasonable use of force under the following circumstances in accordance with N.C.G.S. §115C-391.1:

- A. As reasonably needed to obtain possession of a weapon or other dangerous objects on a person or within the control of a person.
- B. As reasonably needed to maintain order or prevent or break up a fight.
- C. As reasonably needed for self-defense.
- D. As reasonably needed to ensure the safety of any student, school employee, volunteer, or other person present, to teach a skill, to calm or comfort a student, or to prevent self-injurious behavior.
- E. As reasonably needed to escort a student safely from one area to another. Students should only be physically escorted when it is deemed safe or if the current setting conditions pose hazards for the student or staff. Escorts should only be conducted in accordance with training procedures adopted by the system.
- F. If used as provided for in a student's Individualized Education Plan (IEP) or Section 504 Plan or Behavior Intervention Plan as a brief intervention strategy to assist the student in regaining self-control.
- G. As reasonably needed to prevent imminent destruction to school or another person's property.

Physical restraint shall not be considered a reasonable use of force if used solely as a disciplinary consequence.

Mechanical Restraint

Mechanical restraint is defined as the use of any device or material attached or adjacent to a student's body that restricts freedom of movement or normal access to any portion of the student's body and that the student cannot easily remove. Mechanical restraint shall be allowed only in the following circumstances in accordance with N.C.G.S. §115C-391.1:

- A. When properly used as an assistive technology device included in the student's IEP or as otherwise prescribed for the student by a medical or related services provider.
- B. When using seat belts or other safety restraints to secure student during transportation.
- C. As reasonably needed to obtain possession of a weapon or other dangerous objects on a person or within the control of a person.
- D. As reasonably needed for self-defense.

- E. ~~As reasonably needed to ensure the safety of any student, school employee, volunteer, or other person. If used for the purpose of preventing self-injurious behavior, the use of mechanical restraints should be included in the IEP as part of a Behavior Intervention Plan.~~

~~Nothing in the policy prevents the use of physical or mechanical restraint by School Resource Officers or other sworn law enforcement officials in the lawful exercise of their law enforcement duties.~~

~~Physical restraint in Transylvania County Schools shall follow the prescribed methods taught by either CPI (Crisis Prevention Intervention) or NCI (Nonviolent Crisis Intervention). All personnel who are in positions in which physical restraint may be necessary shall be trained to use CPI or NCI. All schools should identify a minimum of one team of five to seven employees trained to intervene in crisis prevention and physical restraint. In no case should employees use an intervention that involves either a prone or chair restraint.~~

Seclusion

~~Seclusion is defined as the confinement of a student alone in an enclosed space from which the student is:~~

- A. ~~Physically prevented from leaving by locking hardware or other means; or~~
B. ~~Not capable of leaving due to physical or intellectual capacity.~~

~~Seclusion is prohibited in Transylvania County Schools except in the following settings and circumstances:~~

- A. ~~As reasonably needed to respond to a person in control of a weapon or other dangerous object.~~
B. ~~As reasonably needed to maintain order or break up a fight.~~
C. ~~As reasonably needed for self-defense.~~
D. ~~As reasonably needed when a student's behavior poses a threat of imminent physical harm to self/others or imminent substantial destruction or school or another person's personal property.~~
E. ~~When used in accordance with the student's IEP or Section 504 Plan or Behavior Intervention Plan, the following conditions should be met:~~
- ~~▪ The student is monitored while in seclusion by an adult in close proximity who is able to see and hear the student at all times.~~
 - ~~▪ The student is released from seclusion upon cessation of the behaviors that led to the seclusion or as otherwise specified in the student's IEP.~~

- The space in which the student is confined has been approved for such use by the school principal.
- The space is appropriately lighted.
- The space is appropriately ventilated and heated or cooled.
- The space is free of objects that unreasonably expose the student or others to harm.

Isolation

Isolation is defined as a behavior management technique in which a student is placed alone in an enclosed space from which the student is not prevented from leaving. Transylvania County Schools personnel may use isolation provided that:

- A. The space used for isolation is appropriately lighted, ventilated, and heated or cooled.
- B. The duration of the isolation is reasonable in light of the purpose of the isolation.
- C. The student is reasonably monitored while in isolation.
- D. The isolation space is free of objects that unreasonably expose the student or others to harm.

Aversive Procedures

Aversive procedures are defined as the systematic physical or sensory intervention for modifying behavior of students with disabilities that causes or reasonably may be expected to cause significant physical harm, serious psychological impairment to the student, or obvious repulsion to observers of the intervention due to procedures that do not follow acceptable, standard practice. Transylvania County Schools prohibits the use of aversive procedures as defined herein by its employees, volunteers, or personnel permitted in schools in accordance with interagency agreements.

Time-out

Time-out is defined as a behavior management technique in which a student is separated from other students for a period of time in a monitored setting.

Notice, Reporting, and Notification

Pursuant to North Carolina law, school personnel shall promptly notify the principal/designee of any use of aversive procedures, any improper use of physical restraint resulting in observable physical injury to a student, prohibited use of mechanical restraint, or any prohibited use of seclusion or seclusion lasting more than 10 minutes or the time specified on a student's Behavior Intervention Plan. When a principal/designee has personal knowledge or actual notice of these incidents, he/she shall promptly notify the parent/guardian by the end of that workday, but in no

event later than the end of the following workday, and provide the name of a school employee they can contact regarding the incident.

In addition, the parent/guardian of the student shall be provided with a written incident report of any incident covered by this section within a reasonable period of time, but in no event later than 30 days after the incident. The written documentation shall include:

- A. The date, time of day, location, duration, and description of the incident and interventions used.
- B. The event or events that led up to the incident.
- C. The nature and extent of any injury to the student.
- D. The name of a school employee the parent/guardian can contact regarding the incident.
- E. In the case of seclusion incidents, the school personnel supervising the seclusion shall maintain a log of observations of the student, which shall be available for inspection upon request by the parent/guardian.
- F. All incidents of physical restraint and seclusion required to be reported pursuant to N.C.G.S. §115C-391.1(j)(4) shall be reported as part of the Safe Schools reporting process, which shall be reported annually to the State Board of Education.

Transylvania County Schools policy requires prompt notification to parents/guardians regarding all occurrences of physical restraint resulting in observable physical injury to a student. Prompt notification means by the end of that workday during which the incident occurred, but in no event later than the end of the following workday.

Notice

All employees and parent/guardians shall be provided a copy of N.C.G.S. §115C-391.1 and a copy of this policy at the beginning of each school year.

Training of Personnel

Transylvania County Schools will provide pre-service training as soon as possible for all new certified employees in:

- A. The identification and education of children with disabilities.
- B. Positive management of student behavior.
- C. Effective communication techniques for defusing and de-escalating disruptive or dangerous student behavior.
- D. Safe and appropriate use of seclusion and restraint.

As soon as possible, all Transylvania County Schools personnel who are most likely to be called upon to prevent or address disruptive or dangerous student behavior, including but not limited to school administrators, teachers and teacher assistants, bus drivers, School Resource Officers, school psychologists, and school counselors shall receive training in:

- A. Positive management of student behavior.
- B. Effective communication for defusing and de-escalating disruptive or dangerous behavior.
- C. Safe and appropriate use of seclusion and restraint.

Compliance by Community Agency Personnel

All personnel working within Transylvania County Schools in accordance with interagency agreements shall adhere to the above policies. In all circumstances in which a community agency employee is assigned to work with a student or students in a Transylvania County school, an intervention plan which describes the crisis prevention and intervention procedures to be utilized must be developed by a team that includes parents, school and agency personnel.

Legal Notices

Nothing in this policy modifies the rights of school personnel to use reasonable force as permitted under N.C.G.S. §115C-390 or modifies the rules and procedures governing discipline under N.C.G.S. §115C-391(a). Nothing in this policy is intended to prohibit or regulate the use of "time out" as a behavior management technique where a student is separated from other students for a limited period of time in a monitored setting.

Nothing in this policy shall be construed to create a private cause of action against any local board of education, its agents or employees, or to create a criminal offense.

APPROVED BY BOARD
AND EFFECTIVE 6/5/06