

**RULES FOR USE OF
SECLUSION AND RESTRAINT IN SCHOOLS**

Regulation Code: 4302-R

The following rules shall govern the use of seclusion and restraint by school personnel. As used in this regulation, “school personnel” means employees of the board and any persons working on school grounds or at a school function under a contract or written agreement with the public school system or for another agency to provide educational or related services to students.

A. PHYSICAL RESTRAINT

Physical restraint means the use of physical force to restrict the free movement of all or a part of a student’s body.

Physical restraint will be considered to be a reasonable use of force when used in the following circumstances:

1. as reasonably needed to obtain possession of weapons or other dangerous objects on the person or within the control of a student;
2. as reasonably needed to maintain order or to prevent or break up a fight;
3. as reasonably needed for self-defense;
4. as reasonably needed to ensure the safety of any student, employee, volunteer, or other person present;
5. as reasonably needed to teach a skill, to calm or comfort a student, or to prevent self-injurious behavior;
6. as reasonably needed to escort a student safely from one area to another;
7. if used as provided for in an IEP, Section 504, or behavior intervention plan; or
8. as reasonably needed to prevent imminent destruction to school or another person’s property.

Except as set forth above, physical restraint of students will not be considered a reasonable use of force, and its use is prohibited. In addition, physical restraint will not be considered a reasonable use of force when used solely as a disciplinary consequence.

Physical restraint in Buncombe County Schools shall follow the prescribed methods taught by CPI (Crisis Prevention Institute). All personnel who are in positions in which physical restraint may be necessary should be trained to use CPI.

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.

B. MECHANICAL RESTRAINT

Mechanical restraint means 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 of a student by school personnel is permissible only in the following circumstances:

1. when properly used as an assistive technology device included in the student's IEP, Section 504, or behavior intervention plan or as otherwise prescribed by a medical or related service provider;
2. when using seat belts or other safety restraints to secure a student during transportation;
3. as reasonably needed to obtain possession of weapons or other dangerous objects on the person or within the control of a student;
4. as reasonably needed for self-defense;
5. as reasonably needed to ensure the safety of any student, employee, volunteer, or other person.

Except as set forth above, mechanical restraint, including the tying down, taping, or strapping down of a student, will not be considered to be a reasonable use of force, and its use is prohibited.

C. SECLUSION

Seclusion means the confinement of a student alone in an enclosed space from which the student is (a) physically prevented from leaving or (b) incapable of leaving due to physical or intellectual capacity.

Seclusion of a student by school personnel may be used in the following circumstances:

1. as reasonably needed to respond to a person in control of a weapon or other dangerous object;
2. as reasonably needed to maintain order or prevent or break up a fight;

3. as reasonably needed for self-defense;
4. as reasonably needed when a student's behavior poses a threat of imminent physical harm to self or others or imminent substantial destruction of school or another person's property; or
5. when used as specified in the student's IEP, Section 504, or behavior intervention plan; and
 - a. the student is constantly monitored by an adult in close proximity who is able to see and hear the student at all times;
 - b. 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, Section 504, or behavior intervention plan;
 - c. the confining space has been approved for such use by the local education agency;
 - d. the space is appropriately lighted, ventilated, and heated or cooled; and
 - e. the space is free from objects that unreasonably expose the student or others to harm.

Except as set forth above, the use of seclusion is not considered to be reasonable force, and its use is prohibited. In addition, seclusion will not be considered a reasonable use of force when used solely as a disciplinary consequence.

D. ISOLATION

Isolation means a behavior management technique in which a student is placed alone in an enclosed space from which the student is not prevented from leaving.

Isolation is permitted as a behavior management technique provided that:

1. the isolation space is appropriately lighted, ventilated and heated or cooled;
2. the duration of the isolation is reasonable in light of the purpose for the isolation;
3. the student is reasonably monitored; and
4. the isolation space is free from objects that unreasonably expose the student or others to harm.

E. TIME-OUT

Time-out means a behavior management technique in which a student is separated from other students for a limited period of time in a monitored setting. Teachers are authorized to use time-out to regulate behavior within their classrooms.

F. AVERSIVE PROCEDURES

Aversive procedure means a systematic physical or sensory intervention program for modifying the behavior of a student with a disability that causes or reasonably may be expected to cause one or more of the following:

1. Significant physical harm, such as tissue damage, physical illness, or death;
2. Serious and foreseeable long-term psychological impairment;
3. Obvious repulsion on the part of observers who cannot reconcile such extreme procedures with acceptable standard practice, for example:
 - a. electric shock applied to the body;
 - b. extremely loud auditory stimuli;
 - c. forcible introduction of foul substances to the mouth, eyes, ears, nose or skin;
 - d. placement in a tub of cold water or shower;
 - e. slapping, pinching, hitting or pulling hair;
 - f. blindfolding or other forms of visual blocking;
 - g. unreasonable withholding of meals;
 - h. eating one's own vomit; or
 - i. denial of reasonable access to toileting facilities.

The use of aversive procedures in public schools is prohibited.

G. NOTICE, REPORTING AND DOCUMENTATION

1. School staff will promptly notify the principal or designee of any of the following:
 - a. any use of aversive procedures;
 - b. any prohibited use of mechanical restraint;

- c. any use of physical restraint resulting in observable physical injury to a student;
- d. any prohibited use of seclusion; or
- e. any seclusion exceeding 10 minutes or beyond the amount of time specified on a student's behavior intervention plan.

2. Notice to Parents

When a principal or designee has personal or actual knowledge of any of the events listed above, he or she shall promptly notify the student's parent or guardian and shall provide the name of the school employee whom the parent or guardian may contact regarding the incident.

3. Written Report to Parents

Within a reasonable period of time not to exceed 30 days after the incident, the principal or designee shall also provide the parent or guardian with a written incident report. This report must include the following:

- a. the date, time of day, location, duration, and description of the incident and interventions;
- b. the events or events that led up to the incident;
- c. the nature and extent of any injury to the student; and
- d. the name of a school employee the parent or guardian can contact regarding the incident.

4. Reporting to State Board

The board will maintain a record of incidents reported under the procedure described above and will provide this information annually to the State Board of Education.

5. Non-Retaliation for Reporting

An employee making a report alleging a prohibited use of physical or mechanical restraint, seclusion or aversive procedure shall NOT be discharged, threatened or retaliated against through compensation, terms, conditions, location or privilege of employment by any local board of education or any employee unless the employee knew or should have known that the report was false.

V. Notice, Reporting, and Notification

Buncombe County Schools personnel shall follow the following notification procedures when physical restraint or seclusion is implemented. All employees and parents/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.

Pursuant to North Carolina law, school personnel shall promptly notify the Principal or 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, 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 or designee has personal knowledge or actual notice of these incidents, they shall promptly notify the parent/guardian and provide the name of a school employee they can contact regarding the incident.

Buncombe County Schools policy exceeds the NC statute requirement by requiring immediate documentation of and prompt notification to parents/guardians regarding all occurrences of physical restraint. Prompt notification means by the end of the workday during which the incident occurred, but in no event later than the end of the following workday.

Legal Reference: G.S. 115C-391.1

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