



Seclusion and Restraint Statutes, Regulations, Policies and Guidance

NC Gen. Stat. §115C-391.1

Permissible Use of Seclusion and Restraint Elementary and Secondary Education Students, Discipline

The statute defines seclusion and restraint and identifies when and how it is to be used. It outlines prohibitions; defines time-out, and distinguishes the difference between physical and mechanical restraint. The law addresses reporting requirements and professional development requirements.

NC Gen. Stat. §115C-390

Reasonable Force

The statute provides the authority for principals, teachers, substitute teachers, volunteer teachers and teacher assistants in public schools to use reasonable force in lawful authority to restrain or correct pupils to maintain order.

NC Gen. Stat. §115C-296

Board Sets Certification Requirements

Requires teacher competence in positive behavior and effective strategies for defusing and deescalating disruptive or dangerous behavior.

Policies

Policies on Beginning Teacher Support Program

“Beginning teachers must be provided orientation. Orientation must include “the safe and appropriate use of seclusion and restraint of students.”

Lateral Entry License

“The employing school system shall formally commit to supporting the lateral entry teacher by: ... (c) classroom management, including positive management of student behavior, effective communication for defusing and deescalating discipline or dangerous behavior, and safe and appropriate use of seclusion and restraint....”

Core Standards for All Teachers

Core Standard 2: Teachers know how to teach students.

“Indicator 5: Teachers are able to use positive student behavior management strategies for defusing and deescalating disruptive or dangerous behavior. They understand the safe and appropriate use of seclusion and restraint.”

Definitions

“Seclusion” means the confinement of a student alone in an enclosed space from which the student is prevented from leaving.

- a. Physically prevented from leaving by locking hardware or other means.
- b. Not capable of leaving due to physical or intellectual incapacity.

“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.

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

Clear limitations on what seclusion and restraint techniques specifically are limited or not allowed

“Aversive procedure” means a systematic physical or sensory intervention or behavior modification program that causes or may reasonably expected to cause one or more of the following:

- a. Significant physical harm, such as tissue damage, physical illness, or death.
- b. Serious, foreseeable long-term psychological impairment.
- c. Obvious repulsion to an observer; for example: electric shock applied to the body; extremely loud auditory stimuli; forcible introduction of foul substances to the mouth, eyes, ears, nose, or skin; placement in a tub of cold water or shower; slapping, pinching, hitting, or pulling hair; blindfolding or other forms of visual blocking; unreasonable withholding of meals; eating one’s own vomit; or denial of reasonable access to toileting facilities.

- Aversive procedures are never allowed. It is prohibited by law.

Seclusion and Restraint Techniques may be used:

- ▶ As reasonably needed to obtain possession of a weapon or other dangerous objects on a person or within the control of a person.
- ▶ As reasonably needed to maintain order or prevent or break up a fight.
- ▶ As reasonably needed for self-defense.
- ▶ As reasonably needed to ensure the safety of any student, school employee, volunteer, or other person present, to calm or comfort a student, or to prevent self-injurious behavior.
- ▶ As reasonably needed to escort a student safely from one area to another.
- ▶ If used as provided for in a student's IEP or Section 504 plan or behavior intervention plan.
- ▶ As reasonably needed to prevent imminent destruction to school or another person's property

Mechanical Restraint

- ▶ When properly used as an assistive technology device included in the student's IEP or Section 504 plan or behavior intervention plan or as otherwise prescribed for the student by a medical or related service provider.
- ▶ When using seat belts or other safety restraints to secure students during transportation.
- ▶ As reasonably needed to obtain possession of a weapon or other dangerous objects on a person or within the control of a person.
- ▶ As reasonably needed for self-defense.
- ▶ As reasonably needed to ensure the safety of any student, school employee, volunteer, or other person present.

Seclusion

- ▶ As reasonably needed to respond to a person in control of a weapon or other dangerous object.
- ▶ As reasonably needed to maintain order or prevent or break up a fight.
- ▶ As reasonably needed for self-defense.
- ▶ 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.

Seclusion

- ▶ When used as specified in the student's IEP, Section 504 plan, or behavior intervention plan; and
 1. 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.
 2. 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 or Section 504 plan.
 3. The space in which the student is confined has been approved for such use by the local education agency.
 4. The space is appropriately lighted.
 5. The space is appropriately ventilated and heated or cooled.
 6. The space is free of objects that unreasonably expose the student or others to harm.

Principles

- ▶ Every effort should be made to prevent the need for the use of restraint and for the use of seclusion.
- ▶ Schools should never use mechanical restraints to restrict a child's freedom of movement, and schools should never use a drug or medication to control behavior or restrict freedom of movement (except as authorized by a licensed physician or other qualified health professional).
- ▶ Physical restraint or seclusion should not be used except in situations where the child's behavior poses imminent danger of serious physical harm to self or others and other interventions are ineffective and should be discontinued as soon as imminent danger of serious physical harm to self or others has dissipated.

Principles Continued

- ▶ Policies restricting the use of restraint and seclusion should apply to all children, not just children with disabilities.
- ▶ Any behavioral intervention must be consistent with the child's rights to be treated with dignity and to be free from abuse.
- ▶ Restraint or seclusion should never be used as punishment or discipline (e.g., placing in seclusion for out-of-seat behavior), as a means of coercion or retaliation, or as a convenience.
- ▶ Restraint or seclusion should never be used in a manner that restricts a child's breathing or harms the child.

Principles Continued

- ▶ The use of restraint or seclusion, particularly when there is repeated use for an individual child, multiple uses within the same classroom, or multiple uses by the same individual, should trigger a review and, if appropriate, revision of strategies currently in place to address dangerous behavior; if positive behavioral strategies are not in place, staff should consider developing them.
- ▶ Behavioral strategies to address dangerous behavior that results in the use of restraint or seclusion should address the underlying cause or purpose of the dangerous behavior.

Principles Continued

- ▶ Teachers and other personnel should be trained regularly on the appropriate use of effective alternatives to physical restraint and seclusion, such as positive behavioral interventions and supports and, only for cases involving imminent danger of serious physical harm, on the safe use of physical restraint and seclusion.
- ▶ Every instance in which restraint or seclusion is used should be carefully and continuously and visually monitored to ensure the appropriateness of its use and safety of the child, other children, teachers, and other personnel.
- ▶ Parents should be informed of the policies on restraint and seclusion at their child's school or other educational setting, as well as applicable Federal, State, or local laws.

Principles Continued

- ▶ Parents should be notified as soon as possible following each instance in which restraint or seclusion is used with their child.
- ▶ Policies regarding the use of restraint and seclusion should be reviewed regularly and updated as appropriate.
- ▶ Policies regarding the use of restraint and seclusion should provide that each incident involving the use of restraint or seclusion should be documented in writing and provide for the collection of specific data that would enable teachers, staff, and other personnel to understand and implement the preceding principles.

PBIS

- Positive Behavior Interventions and Supports (PBIS) is a proactive approach to establishing the behavioral supports and social culture and needed for all students in a school to achieve social, emotional and academic success. Attention is focused on creating and sustaining primary (school-wide), secondary (classroom), and tertiary (individual) systems of support that improve lifestyle results (personal, health, social, family, work, recreation) for all youth by making targeted misbehavior less effective, efficient, and relevant, and desired behavior more functional.
- PBIS is a system for teaching and reinforcing appropriate behaviors.
- School staff members teach students ways to replace inappropriate actions with more appropriate actions.

Four Key Elements of PBIS

- ▶ Supporting Social Competence & Academic Achievement
- ▶ Supporting Staff Behavior
- ▶ Supporting Decision Making
- ▶ Supporting Student Behavior

PBIS Continuum

Primary Prevention:

School-/Classroom-Wide Systems
for all Student, Staff, & Settings

100%

PBIS Module 1

Secondary:

Specialized Group Systems for
Students with At-Risk Behavior

20%

PBIS Module 2

Tertiary:

Specialized Individualized Systems
for Students with High-Risk
Behavior

5%

PBIS Module 3

Nonviolent Crisis Intervention

A CPI specialized offering- A program focusing on the Safe Management of Disruptive and Assaultive Behavior

A program to provide for the *Care, Welfare, Safety, and Security* of everyone involved in a crisis situation

Keys to Setting Limits

- ▶ Clear & Simple
- ▶ Reasonable
- ▶ Enforceable (Choices & Consequences)

Verbal Intervention Tips & Techniques

Do's

- ▶ Remain Calm
- ▶ Isolate Situation
- ▶ Enforce Limits
- ▶ Listen
- ▶ Aware of Non-verbal's
- ▶ Be Consistent

Don't

- ▶ Over-react
- ▶ Power Struggle
- ▶ Make False Promises
- ▶ Fake Attention
- ▶ Be Threatening
- ▶ Use Jargon

Questions/Comments

Sources:

<http://www2.ed.gov/policy/seclusion/seclusion-state-summary.html>

<https://www.pbis.org/>