

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

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SENATE DRS85196-LE-122A (3/25)

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

(Public)

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Sponsors: Senator Dorsett.

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Referred to:

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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.