

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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**SENATE BILL 977
Education/Higher Education Committee Substitute Adopted 5/8/03**

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

Sponsors:

Referred to:

April 3, 2003

A BILL TO BE ENTITLED
AN ACT ESTABLISHING THE PHYSICAL RESTRAINTS AND SECLUSION IN
PUBLIC SCHOOLS STUDY COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. There is created the Physical Restraints and Seclusion in Public Schools Study Commission. The Commission shall be composed of 24 members as follows:

- (1) The President Pro Tempore of the Senate shall appoint the following 12 members:
 - a. Four members of the Senate, one of whom the President Pro Tempore shall designate as cochair.
 - b. Four members upon the recommendation of the Special Needs Federation.
 - c. Two school administrators upon the recommendation of the North Carolina Association of School Administrators.
 - d. Two directors of programs for exceptional children upon the recommendation of the Superintendent of Public Instruction.
- (2) The Speaker of the House of Representatives shall appoint the following 12 members:
 - a. Four members of the House of Representatives, one of whom the Speaker shall designate as cochair.
 - b. Four members upon the recommendation of the Governor's Advocacy Council for Persons with Disabilities.
 - c. Two teachers of students with disabilities upon the recommendation of the North Carolina Association of Educators.
 - d. Two members upon the recommendation of the North Carolina School Boards Association.

1 **SECTION 2.** The Commission shall study issues pertaining to the use of
2 physical restraints and seclusion of students. As part of this study, the Commission
3 shall examine the following issues:

- 4 (1) The incidents of physical restraint or seclusion of students, including
5 those involving serious physical injury or death.
- 6 (2) The circumstances under which physical restraint or seclusion is
7 appropriate and inappropriate.
- 8 (3) Whether school personnel receive appropriate training in the effective
9 and appropriate use of physical restraint or seclusion.
- 10 (4) Whether schools and local school administrative units maintain
11 appropriate records or other documentation related to incidents of
12 physical restraint or seclusion of students, including those involving
13 serious physical injury or death.
- 14 (5) The extent to which and the means by which parents and guardians are
15 notified of incidents involving physical restraint or seclusion of
16 students.
- 17 (6) Other states' laws, rules, and policies related to physical restraint and
18 seclusion of students.
- 19 (7) Any other issue the Commission considers appropriate.

20 **SECTION 3.** With the prior approval of the Legislative Services
21 Commission, the Legislative Services Officer shall assign professional staff to assist in
22 the work of the Commission. With the prior approval of the Legislative Services
23 Commission, the Commission may hold its meetings in the State Legislative Building or
24 the Legislative Office Building.

25 **SECTION 4.** The Commission shall submit a final written report of its
26 findings and recommendations by March 30, 2004. The report shall be filed with the
27 President Pro Tempore of the Senate and the Speaker of the House of Representatives,
28 the Principal Clerks of the Senate and the House of Representatives, the Joint
29 Legislative Education Oversight Committee, and the Legislative Librarian. Upon filing
30 its final report, the Commission shall terminate.

31 **SECTION 5.** Members of the Commission shall be paid per diem,
32 subsistence, and travel allowances as follows:

- 33 (1) Commission members who are also members of the General
34 Assembly, at the rate established in G.S. 120-3.1.
- 35 (2) Commission members who are officials or employees of the State or
36 local government agencies, at the rate established in G.S. 138-6.
- 37 (3) All other Commission members, at the rate established in G.S. 138-5.

38 **SECTION 6.** This act becomes effective July 1, 2003.