

### 1. Reasonable Force

The Cherokee County Board of Education believes that ensuring safety for students and staff is essential. Securing order in the school environment sometimes requires that students be subject to greater controls than appropriate for adults. Except as restricted or prohibited by rules adopted by the Board of Education, principals, teachers, substitute teachers, voluntary teachers, teacher assistants, and student teachers may use reasonable force in the exercising of lawful authority to restrain or correct students and maintain order. (G.S. 115C-390) *Approved volunteers and substitute teachers must document they have read and understand this policy and will comply with its terms.*

Notwithstanding any Board of Education policy, school personnel may use reasonable force, to control behavior or to remove a person from the scene in those situations when necessary:

- to quell a disturbance threatening injury to others;
- to obtain possession of weapons or other dangerous objects on their person, or within the control, of a student;
- for self-defense;
- for the protection of persons or property; or
- to maintain order on school property, in the classroom, or at a school related activity on or off school property. (G.S. 115C 391.1)

Notwithstanding any other law, no officer or employee of the Board of Education shall be held civilly liable for using reasonable force in conform with State Law and Board Policy.

### 2. Physical/Mechanical 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 Cherokee County Public School Personnel as a reasonable use of force under the following conditions in accordance with North Carolina General Statute 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;
- e. to teach a skill, to calm or comfort a student, or to prevent self-injurious behavior;
- f. 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.)
- g. if used as provided for in a student's IEP or Section 504 plan or Behavior Intervention Plan as a brief intervention strategy to assist the student in regaining self-control; or

- h. as reasonably needed to prevent imminent destruction to school or another's person property.  
[G.S. 115C391.1(d)(1)]

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

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:

- 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; or
- e. as reasonably needed to ensure the safety of any student, school employee, volunteer, or other person. [G.S. 115C-391.1(d)(1)]

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 officers in the lawful exercise of their law enforcement duties.

Physical restraint in Cherokee County Schools shall follow the prescribed methods taught by Crisis Prevention Institute (CPI).

### 3. 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 of students by school personnel may be used in the following 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 prevent 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 or others or imminent substantial destruction of school or another

- person's property; or
- e. when used as specified in the student's IEP, Section 504 behavior plan; and
- the student is constantly monitored 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, 504, or behavior intervention plan;
  - the confining space has been approved for such use by the local education agency;
  - the space is appropriately lighted, ventilated, and heated or cooled; and
  - the space is free of objects that unreasonably expose the student or others to harm. [G.S. 115C-391.1(e)(1)]

#### 4. 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. Cherokee 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; and
- d. the isolation space is free of objects that unreasonably expose the student or others to harm. [G.S. 115C-391.1(f)]

#### 5. Aversive Procedures

Aversive procedures are defined as the systematic physical or sensory intervention for modifying behavior of student with disabilities that causes or reasonably may be expected to cause significant physical harm, serious, foreseeable long-term psychological impairment to student, or obvious repulsion to observers of the intervention due to procedures which do not follow acceptable standard practice. Cherokee County Schools prohibits the use of aversive procedures as defined above by its employees, volunteers, or personnel permitted in schools in accordance with interagency agreements. [G.S. 115C-391.1(b)(2)]

#### 6. 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. They are not authorized to remove the student from the classroom into a non-monitored setting, e.g., the hallway.

#### 7. Notice, Reporting, and Notification

Cherokee 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. Section 115C391.1 and receive a copy of this policy and any related Board of Education policy at the beginning of each school year. [G.S. 115C-391.1(j)(1)]

School personnel shall promptly notify the principal or designee of any use of aversive procedures, any use of physical restraint resulting in observable physical injury to a student, any 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 the principal or designee has personal knowledge or actual notice of these incidents, they shall promptly notify the parent/guardian and provide the name of the school employee they can contact regarding the incident. Prompt notification meant by the end of the workday during which the incident occurred, but in no even later than the end of the following workday.

Parent/guardian shall be given annual notification of this policy. Parent/guardian shall be given notice of any aversive procedures used against their student.

Additionally, the parent/guardian of the student shall be provided with a written incident report of any incident reported under 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 dated, 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; and
- d. the name of a school employee the parent/guardian can contact regarding the incident.

In the case of seclusion incidents, the school personnel supervision the seclusion shall maintain a log of observations of the student which shall be available for inspection upon request by the parent/guardian.

#### 8. Training of Personnel

Cherokee County Schools' personnel who are most likely to be called upon to prevent or address disruptive or dangerous student behavior shall receive appropriate training in the management of such behavior. Training shall include instruction in:

- a. positive management of student behavior,
- b. effective communication for defusing and de-escalating disruptive or dangerous behavior, and
- c. safe and appropriate use of seclusion and restraint. [Ref. G.S. 115C-105.47(b)(9)]

Cherokee County Schools will provide pre-service training for all lateral entry employees in:

- a. the identification and education of children with disabilities;
- b. positive management of student behavior;

- c. effective communication for defusing and de-escalating disruptive or dangerous student behavior; and
- d. safe and appropriate use of seclusion and restraint [Ref. G.S. 115C-296(c)]

#### 9. Compliance by Community Agency Personnel

All personnel working within Cherokee County Schools in accordance with interagency agreements shall adhere to the above policies. In all circumstance in which a community agency is assigned to work with a student or students in a Cherokee 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.

#### 10. Legal Notices

Nothing in this policy modifies the rights of school personnel to use reasonable force as permitted under G.S. 115C-390 or modifies the rules and procedures governing discipline under 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 a local board of education, its agents or employees or to create a criminal offense.

Legal References: G.S. 115C-296(c); G.S. 115C-390; G.S. 115C-391(a); G.S. 115C-391.1; G.S. 115C-391.1 (b) (2); G.S. 115C-391.1 (c) (1); G.S. 115C-391 (d) (1) (1); G.S. 115C-391 (e) (1); G.S. 115C-391.1(f); G.S.115C-391.1(j)(1); G.S. 115C-391.1(j)(4)

Cross Reference: Policy 4302 – School Plan for Management of Student Behavior

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