
Dangerous Behaviors and Effective Communication



NHCS

Reach, Equip, Achieve

New Hanover County Schools

Judy Stubblefield

New Hanover County Schools

Revised September 2014

NHCS Board Policy: 8452

RESTRAINT, SECLUSION AND ISOLATION OF STUDENTS (USE OF AVERSIVE PROCEDURES)

Restraint, seclusion and isolation of students will be used in the New Hanover County Schools only as permitted under this Policy. Any student, a general education student or a student with a disability, may be restrained, secluded or isolated in accordance with the provisions of this Policy.

Also, school personnel may use “reasonable force” to control behavior or to remove a person from a scene in the circumstances specified in NCGS §115C-390.3, including self defense.

Furthermore, NCGS §115C-391.1 describes the circumstances under which the use of physical restraint, mechanical restraint, seclusion or isolation may be permitted. Except as permitted in NCGS §115C-391.1, the use of physical restraint, mechanical restraint, seclusion or isolation is prohibited. Neither physical restraint nor seclusion may be used solely as a disciplinary consequence. Aversive procedures may not be used by school personnel as prohibited in NCGS §115C-391.1.

NHCS Board Policy: 8452

RESTRAINT, SECLUSION AND ISOLATION OF STUDENTS (USE OF AVERSIVE PROCEDURES) cont'd

It is the responsibility of the central office administration to develop procedures requiring the following:

- (i) documentation of incidents of aversive procedures, prohibited mechanical restraint, physical restraint resulting in observable physical injury to a student, the prohibited use of seclusion or seclusion that exceeds ten minutes or the amount of time specified in the student's behavior intervention plan
- (ii) parent notification of such events as required by NCGS §115C-391.1 and
- (iii) staff training with emphasis on effective verbal intervention practices.

Mechanical restraint is defined by the statute as the use of any device or material attached or adjacent to the body that restricts freedom of movement or normal access to any portion of the 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.

NHCS Board Policy: 8452
RESTRAINT, SECLUSION AND ISOLATION OF STUDENTS
(USE OF AVERSIVE PROCEDURES) cont'd

Physical restraint is defined by the statute as the use of physical force to restrict the free movement of all or a portion of a student's body.

Seclusion is defined by statute as the confinement of a student alone in an enclosed space from which the student is (i) physically prevented from leaving or locking hardware or other means or (ii) not capable of leaving due to physical or intellectual incapacity.

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

If the use of an assistive technology device, as defined in NCGS §115C-391.1, results in a mechanical restraint, it shall be used only as provided in a student's Individualized Education Plan (IEP), Section 504 Plan, behavior intervention plan or as otherwise prescribed for the student by a medical or related service provider.

NHCS Board Policy: 8452
RESTRAINT, SECLUSION AND ISOLATION OF STUDENTS
(USE OF AVERSIVE PROCEDURES) cont'd

This Policy shall not apply to law enforcement officers acting in the lawful exercise of their law enforcement duties.

This Policy shall not prohibit or regulate the use of “time out” as defined in NCGS §115C-391.1.

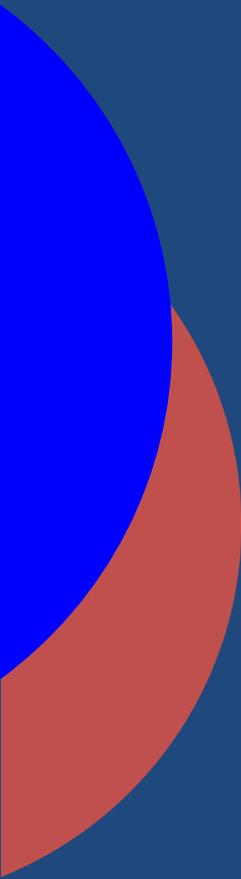
Nothing in this Policy modifies the rights of school personnel to use reasonable force as permitted under NCGS §115C-390.3 or modifies the rules and procedures governing discipline under NCGS §115C-390.1 – 390.12.

Nothing in this Policy shall be construed to create a private cause of action against the New Hanover County Board of Education, its members, agents or employees, or to create a criminal offense.

LEGAL REF: NCGS §§115C-390.3 and 391.1

CROSS REF: (New Policy on Intervention in Student Altercations)

Adopted: 06/10/03, Revised: 08/07/06, 04/05/11, _____ 12



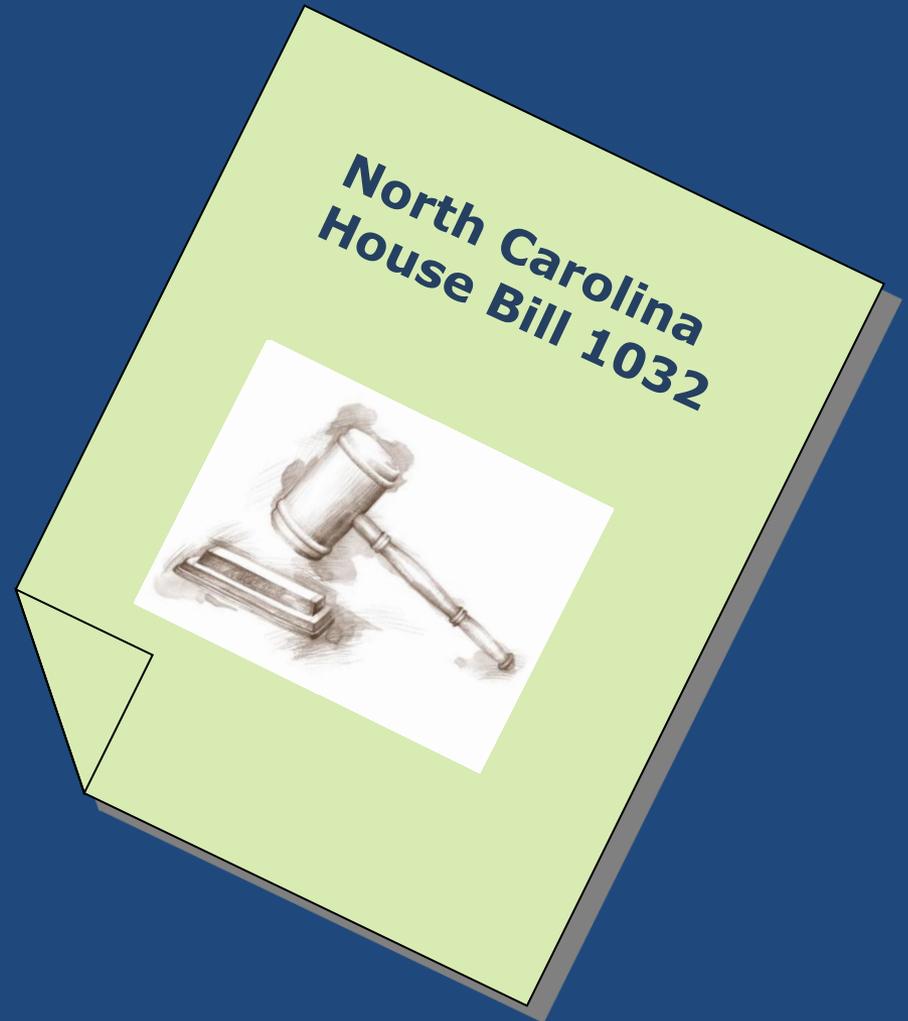
Information Based on

HOUSE BILL 1032

Also Referred to as the
“Greenblatt Act”

Objective for this training

To obtain an awareness of House Bill 1032 and its requirements.



What Does House Bill 1032 Have to Do with Dangerous Behaviors & Communication?

- Attorneys, Parent Advocates, Disability Advocates, School Staff, Parents all shared concerns about safety issues in the schools
- Law designed to address & define strategies for schools dealing with the aggressive behavior of students
- Law designed to keep both staff and students safe in the school environment by providing guidelines and a staff training requirement.

Background Information House Bill 1032

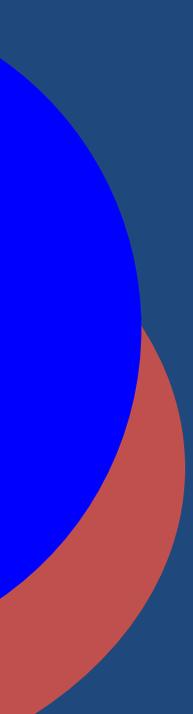
“Deborah Greenblatt Act”



Deborah Greenblatt, a North Carolina attorney

- primarily responsible for bringing together the diverse coalition of disability advocates and education stakeholders who drafted the current bill promoting the safe use of seclusion and restraint in public schools.
- was unable to see the final passage of the bill due to her death on Monday, June 13, 2005.
- was a passionate advocate for children and adults with mental disabilities
- was the executive director of Carolina Legal Assistance for twenty-three years.
- was described by colleagues as a “warrior for justice” and “a hero to others.”
- represented clients in special education disputes, fair housing cases, class action suits for individuals in state hospitals and employment discrimination cases

**Who is
Deborah Greenblatt?**



House Bill 1032
Greenblatt Act

Physical Restraint

What is Physical Restraint ? (House Bill 1032)

Definition

"Physical restraint" means the use of physical force to restrict the free movement of all or a part of a student's body."
N.C. Gen. Stat. § 115C-391.1(b)(8)(House Bill 1032).

Holding a student in a chair.



Grabbing a student by the arm and pulling them in a specific direction.



Pinning a student against the wall to prevent them from moving.



Physically holding a student by wrapping arms around their body and taking them to the floor.

Physical Restraint of a Student by School Personnel is Permissible

"Reasonable Use
of Force"

Only in the Following Circumstances:

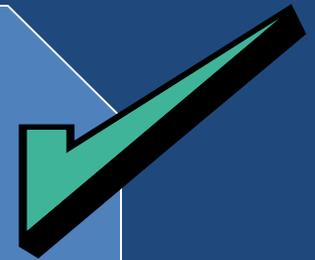
1. as **reasonably** needed to obtain **possession of weapons or other dangerous objects** on the person, or within the control of a student;
2. as **reasonably** needed to **maintain order or to prevent or break up a fight**;
3. as **reasonably** needed for **self-defense**;
4. as **reasonably** needed **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 an**; or
8. as **reasonably** needed to prevent imminent destruction to school or another person's property.

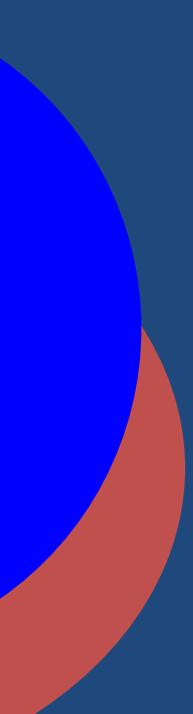
N.C. Gen. Stat. § 115C-391.1(c)(1)(House Bill 1032).

What does all this mean?

- Except as set forth in subdivision (1) of this subsection, physical restraint of students shall not be considered a reasonable use of force, and its use is prohibited. **N.C. Gen. Stat. § 115C-391.1(c)(2)(House Bill 1032)**
- Physical restraint of students shall not be considered a reasonable use of force when used solely as a disciplinary consequence.
N.C. Gen. Stat. § 115C-391.1(c)(3)(House Bill 1032)
- Physical restraint by **law enforcement** officers in the lawful exercise of their law enforcement duties is not prohibited. **N.C. Gen. Stat. § 115C-391.1(c)(4)(House Bill 1032)**

Bottom Line: The use of physical restraint is prohibited except in the situations described in this law.





House Bill 1032
Greenblatt Act

Mechanical Restraint

What is Mechanical Restraint? (House Bill 1032)

Handcuffs



Placed in a prone stander



Definition

"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."

N.C. Gen. Stat. § 115C-391.1(b)(7)(House Bill 1032).

Placed in a seatbelt



Mechanical Restraint of a Student by School Personnel is Permissible

Only in the Following Circumstances:

1. when properly used as assistive technology device included in the student's **IEP, Section 504, 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 students during transportation;
3. as **reasonably** needed to obtain **possession of weapons or other dangerous objects** on the person or within the control of a person;
4. as **reasonably** needed for **self-defense**;
5. as **reasonably** needed to **ensure** the safety of any student, employee, volunteer, or other person.

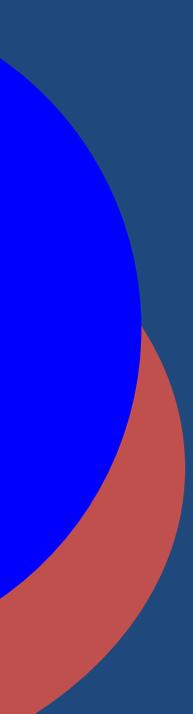
N.C. Gen. Stat. § 115C-391.1(d)(1)(1)(House Bill 1032).

What Does All This Mean?

- mechanical restraint, including the **tying, taping, or strapping down** of a student shall not be considered to be a reasonable use of force and its use is prohibited. **N.C. Gen. Stat. § 115C-391.1(d)(1)(2)(House Bill 1032).**
- Mechanical restraint, such as the use of **restraint devices like handcuffs by law enforcement** officers in the lawful exercise of their law enforcement duties is not prohibited. **N.C. Gen. Stat. § 115C-391.1(d)(3) (House Bill 1032).**

Bottom Line: The use of mechanical restraint is prohibited except in the situations described in this law .

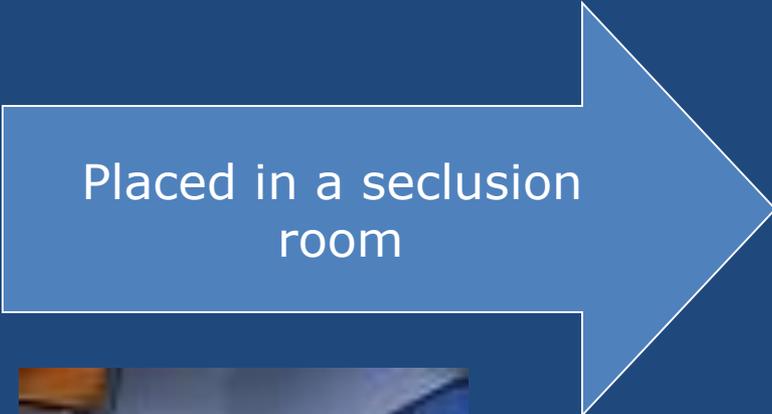




House Bill 1032
Greenblatt Act

Seclusion

What is Seclusion? (House Bill 1032)



Placed in a seclusion room



Definition

“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.”

(Disability – AU, MR, and TBI)N.C. Gen. Stat. § 115C-391.1(b)(10)(House Bill 1032).

Seclusion of a Student by School Personnel is Permissible

Only 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**;
5. When used as specified in the student's **IEP, Section 504, Behavior Intervention Plan**; and
 - 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 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 from objects that unreasonably expose the student or others to harm.

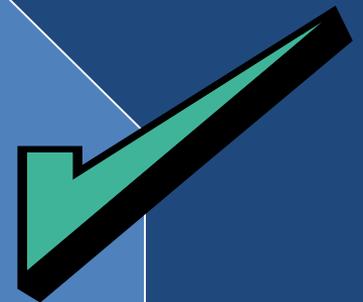
N.C. Gen. Stat. § 115C-391.1(e)(1)(House Bill 1032).

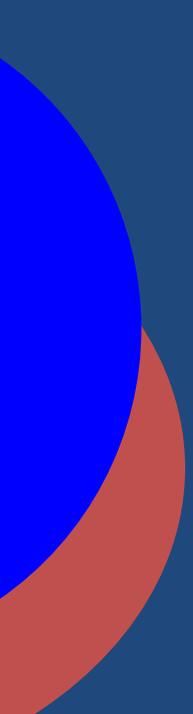
What Does This Mean?

- the use of seclusion is not considered to be **reasonable** force and its use is not permitted. **N.C. Gen. Stat. § 115C-391.1(e)(1)(House Bill 1032)**
- The use of seclusion is not a **reasonable** use of force when used solely as a disciplinary consequence. **N.C. Gen. Stat. § 115C-391.1(e)(2) (House Bill 1032)**
- The use of seclusion **by law enforcement officers** in the lawful exercise of their law enforcement duties is not prohibited. **N.C. Gen. Stat. § 115C-391.1(e)(4)(House Bill 1032).**

Bottom Line:

**The use of seclusion is prohibited
except
in the situations described in this law.**





House Bill 1032
Greenblatt Act

Isolation

What is Isolation? (House Bill 1032)

Behavior Management Technique

Placed in isolation

Definition

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." N.C. Gen. Stat. § 115C-391.1(b)(5) (House Bill 1032).

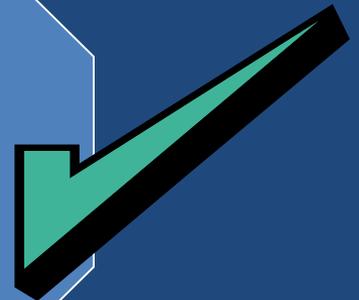
What Does This Mean?

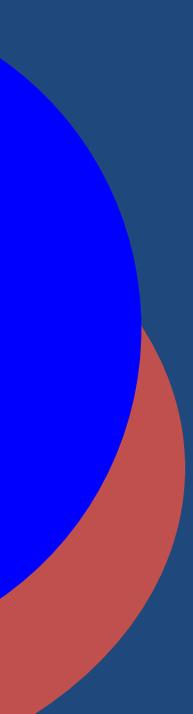
Isolation is permitted as a behavior management technique provided that:

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 unreasonably expose the student or others to harm. N.C. Gen. Stat. § 115C-391.1(f)(House Bill 1032).

Bottom Line:

**That the use of isolation is permitted
as long as the space utilized
meets the requirements.**





House Bill 1032
Greenblatt Act

Time-Out

Time-Out

Definition

“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. N.C. Gen. Stat. § 115C-391.1(b)(11)(House Bill 1032).

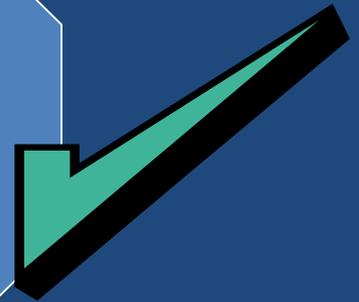


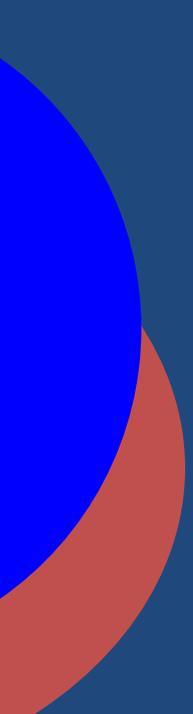
Placed in time out

What Does This Mean?

Bottom Line:

That the use of time-out is permitted.





House Bill 1032
Greenblatt Act

Aversive Procedures

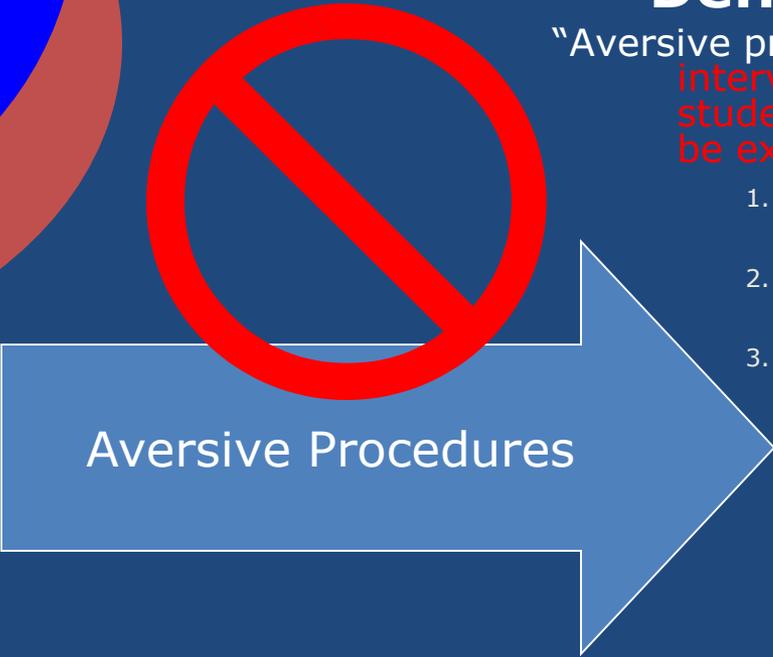
Aversive Procedures

Definition

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

1. Significant physical harm, such as tissue damage, physical illness, or death;
2. Serious, 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:
 - 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."

N.C. Gen. Stat. § 115C-391.1(b)(2)(House Bill 1032).



Aversive Procedures

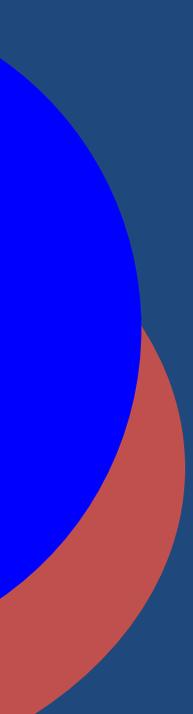
What Does This Mean?

- The use of aversive procedures in public schools is prohibited.
N.C. Gen. Stat. § 115C-391.1(h)(House Bill 1032)

Bottom Line:

**That the use of aversive procedures
is prohibited.**





House Bill 1032
Greenblatt Act

**Other Information-
Reporting
Requirements - &
Reporting Tools**

Notice, Reporting, and Documentation

- A. Annual distribution of this statute is required
 - Included on New Hanover County Schools (NHCS) website in "Student Support" Department.
<http://www.nhcs.net/support/GreenblattAct.htm>
 - Included in individual schools' student handbook

- B. Reporting of Certain Incidents is required:
 - 1. School Personnel are required to notify the principal or the principal's designee promptly of certain incidents (as described below).
 - Any use of aversive procedures
 - Any prohibited use of mechanical restraint
 - Any use of a physical restraint resulting in observable physical injury to a student;
 - Any prohibited use of seclusion, OR
 - Any seclusion lasting more than 10 minutes or beyond the time specified in a student's behavior intervention plan.

 - 2. Written report & Notice to parents must be sent to inform them of the use of physical restraint, mechanical restraint, or seclusion
 - NHCS form located online <http://www.nhcs.net/support/GreenblattAct.htm>
 - School administrators will manage the notification process

 - 3. Staff protected from retaliation for reporting

- 1. Local education agency (New Hanover County Schools) must report information to State Board

- C. Safe Schools Plans

**N.C. Gen. Stat. § 115C-391.1(j)(2)
(House Bill 1032).**

New Hanover County Schools Reporting Tool

Use As
Notice & Written
Report to Parent

Reportable Under Greenblatt Act

NHCS Documentation of Incidents

Circle Type of Incident Being Reported:
Mechanical Restraint Seclusion

Use of Aversives

Student: _____ Date of Incident: _____
Teacher: _____ Location: _____

Time Incident Began/Ended: _____

Staff Involved with the Incident: _____

Staff witnesses to the Incident: _____

Give a brief description of the circumstances leading up to the incident including interventions tried prior to the use of incident: _____

2. Describe the specific behavior that warranted the incident: _____

3. Describe the student's behavior during the incident: _____
incident: _____

4. Describe what ended the

5. Describe the behavior of the student after the incident: _____

6. Describe the interventions or other types of resolutions utilized after the incident: _____

7. What injuries, if any, occurred as a result of the incident? _____

Attach additional pages as needed.

Signatures of Staff Involved
Notification: _____

Date _____

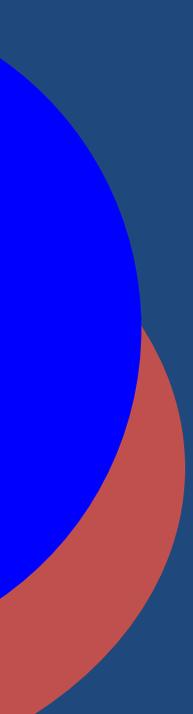
Copy: #1: Student's Module 3 Educational Record – Copy #2: Administrative File – Copy #3: Parent

This form can be accessed online by going to NHCS website, Student Support Department

<http://www.nhcs.net/support/GreenblattAct.htm>

Limitations on Liability

- Nothing in N.C. Gen. Stat. § 115C-391.1(j)(5) (House Bill 1032) shall be construed to create a private cause of action against any local board of education, its agents or employees, or any institutions of teacher education or their agents or employees or to create a criminal offense. **N.C. Gen. Stat. § 115C-391.1(k)(House Bill 1032)**
- “Notwithstanding any other law, no officer or employee... of a local board of education shall be held civilly liable for using **reasonable** force, ... in conformity with State law, State or local rules, or State or local policies regarding the control, discipline, suspension, and expulsion of students. Furthermore, the burden of proof is on the claimant to show that the amount of force used was not **reasonable.**” **N.C. Gen. Stat. § 115C-391(h)(House Bill 1032)**



House Bill 1032
Greenblatt Act

Training Component

Mindset:

Communication & Physical Restraint

New Hanover County Schools: Training

Each school site:

- has a **Mindset Trainer (usually the Assistant Principal)** who is responsible for scheduling & providing training to school staff
- **trainings for your school are listed on School Link**

NHCS Requirement

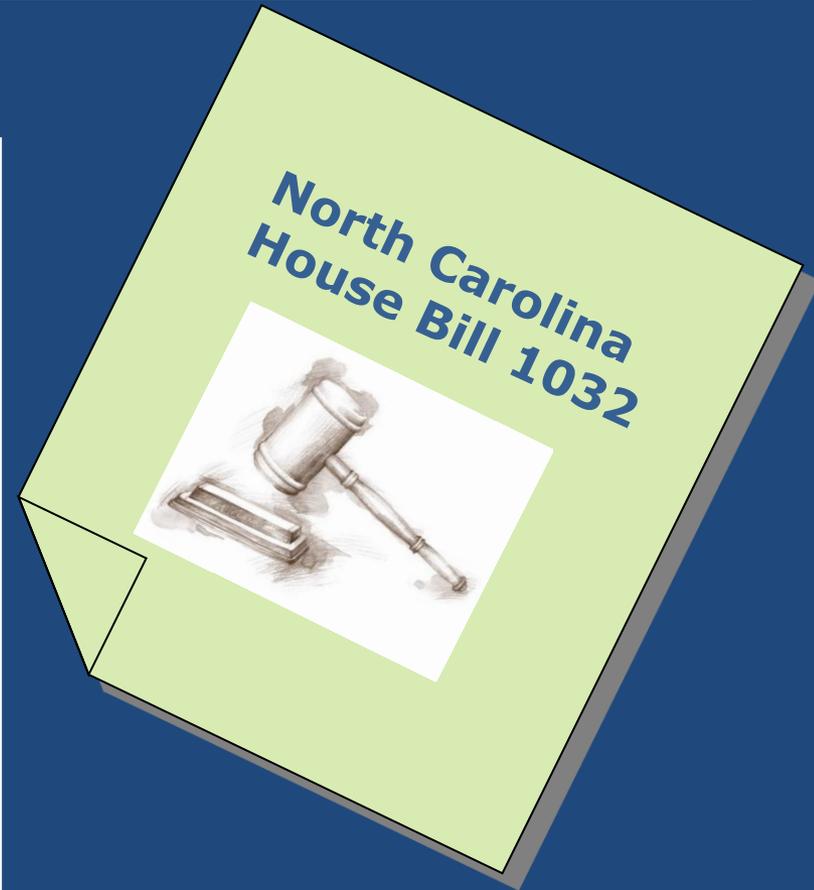
Training component of House Bill 1032:

- All staff will participate in Mindset communication training at their school.
- Staff will remain certified by participating in school site recertification training on an annual basis after initial training.
- Some staff will also need to be trained in Mindset physical restraint.



For More Information on House Bill 1032

- <http://www.nhcs.net/support/GreenblattAct.htm>
(NHCS website information including reporting tool)
- <http://www.ncpublicschools.org/schoolimprovement/alternative/safeschools/>
- http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_115C/GS_115C-391.1.html
- **Your building administrator**





For Your Time & Attention!