

March 24, 2005

S 906. PLACING STUDENTS IN SECLUSION. *TO CLARIFY THE PERMISSIBLE USE OF SECLUSION AND RESTRAINT IN PUBLIC SCHOOLS AND TO PROVIDE FOR TRAINING IN MANAGEMENT OF STUDENT BEHAVIOR.* Enacts new GS 115C-391.1, prohibiting the use of aversive procedures (as defined in the act) and setting out the only permissible uses of restraint (physical or mechanical) or seclusion (including isolation) of students. Requires local boards of education to give copies of the section and related local policies to school personnel and parents or guardians at the beginning of each school year. Requires school personnel to promptly notify the principal of any use of aversive procedures, prohibited mechanical restraint, physical restraint resulting in physical injury to a student, or prohibited or excessive use of seclusion. Requires written notice of each incident to the student's parent or guardian. Prohibits discharge of or retaliation against an employee because the employee makes a report alleging prohibited conduct unless the employee knew or should have known that the report was false. Specifies that the act shall not be construed to create a private cause of action against school personnel. Rewrites GS 115C-296 to require that teacher education programs for all students include demonstrated competencies in positive management of student behavior and effective communication techniques in response to disruptive or dangerous behavior. Creates similar preservice training requirement, beginning with the 2006-07 school year, for lateral entry teachers and includes in the requirement training in identification and education of children with disabilities. Amends GS 115C-105.47(b)(9) to require that, by January 1, 2006, local safe school plans must include a professional development component for training appropriate school personnel in management of disruptive or dangerous student behavior; however, local boards may be required to implement this component only to the extent that state or local funds are appropriated for that purpose. Amends GS 143-138(b), to (1) provide that no state or local building code or regulation may prohibit use of special locking mechanisms for seclusion rooms in public schools approved pursuant to new GS 115C-391.1, and (2) set out required characteristics of these mechanisms. Effective July 1, 2006.

Intro. by Dorsett.

Ref. to Education

GS 115C, 143