

# **HANDLE WITH CARE**

*Behavior Management System, Inc.*

**Bruce Chapman**  
President

**Hilary Adler**  
Vice President

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To All Virginia School Superintendents,

I am the president of Handle With Care. HWC trains just over 10% of the public schools in Virginia in how to manage students that become physically agitated, assaultive and self-destructive. Our underlying philosophy has been to empower teachers with the verbal and physical skills they need to manage children as young as 3 years old through older adolescents and juveniles, using the least amount of force possible. When schools and teachers are self-reliant, they do not have to depend on law enforcement to manage children who they should be able to manage themselves. That is about to change in Virginia.

We previously copied you our comments which we submitted to the Virginia Legislature concerning SB782 and HB1443 which has just passed in both Houses, save for one, Senator Richard Black representing Prince William County. The law is now before Governor McAuliffe for signing. Frankly, we are surprised that he has not signed it yet because he has previously indicated that he would. The situation is quite urgent if you want to change the Governor's mind about signing it into law. We believe this law is going to have a serious impact on the role of the police in the public schools.

As we stated, this new law imposes a "serious physical harm" threshold that must be met before a teacher can intervene in an incident where the safety of teacher, student or visitor is threatened. As we state in our comments to the Legislature, 'Serious physical harm' is a legal definition which would include permanent disfigurement, the loss of an eye, the loss of a limb or an organ. A simple beating into unconsciousness, a broken nose, etc., does not meet this threshold. This law is as unwise as it is unlawful. It completely ignores a constellation of Federal and State laws, including U.S. Supreme Court, Appellate and Administrative Decisions and Virginia's right to self-defense laws.

HWC cannot offer you legal advice. You should solicit the advice of Counsel licensed to practice in Virginia as to what this threshold requires and what actions you must take to be in compliance with it. However, it does appear to us that the only entity with the authority to manage students who are placing themselves and others at a level of threat falling short of 'serious physical harm' is local law enforcement. Law enforcement is not subject to the limitations imposed by this law.

Subject to approval by your District's or school's legal Counsel, we encourage you to consider calling the police for every incident where a teacher or student is being harmed and this law renders you powerless to intervene because the degree of injury does not rise to the loss of life and limb

We are contemplating sending an invitation to every School District, school and school legal Counsel in the State to attend a 'Webinar' hosted by us to discuss this new law; what it means to

**184 McKinstry Road, Gardiner, N.Y. 12525**  
**(845) 255-4031 • E-mail: [HWCBruce@aol.com](mailto:HWCBruce@aol.com) • Web Site: [www.handlewithcare.com](http://www.handlewithcare.com)**

your safety and what you should do when you fear for their own safety or the safety of any child whose injuries do not meet the threshold. If we decide to host it, we will also invite every law enforcement official in Virginia, including the State Attorney General.

Please feel free to contact me or Hilary Adler at 845-255-4031. If you are interested in attending a Webinar devoted to this topic, please let us know.

Respectfully yours,

/s/ Bruce Chapman  
Bruce Chapman, President  
Handle With Care  
184 McKinstry Road  
Gardiner, NY 12525  
Tel: 845-255-4031; Fax: 845-256-0094  
Web Site: [www.handlewithcare.com](http://www.handlewithcare.com); [www.brucechapman.com](http://www.brucechapman.com)  
Email: [Hilary@handlewithcare.com](mailto:Hilary@handlewithcare.com) or [HWCBruce@aol.com](mailto:HWCBruce@aol.com)

Cc: Chiefs of Police, Police Departments, Sheriffs, Virginia State Police Superintendent, Virginia State Attorney General, Governor McAuliffe, Juvenile Court Administrators, PTAs, Virginia Legislators

FOR THE RECORD. HWC can easily comply with all the standards required by SB 782 and HB 1443. We submit our comments because standing silent in the face of lawlessness is irresponsible. No person has the authority to unduly limit a person's natural right to defend and protect self or others.

Retaliation for the exercise of our first amendment rights will not be tolerated.