



STATE OF MICHIGAN  
DEPARTMENT OF EDUCATION  
LANSING



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February 27, 2006

MEMORANDUM

TO: State Board of Education

FROM: Mike Flanagan, Chairman 

SUBJECT: Update on Supporting Student Behavior: Standards for the Emergency Use of Seclusion and Restraint and Recommended Strategic Directions

On October 11, 2005, staff from the Office of Special Education and Early Intervention Services presented a draft of the Supporting Student Behavior Standards for the Emergency Use of Seclusion and Restraint (Document). At that meeting, the State Board of Education (SBE) requested staff to research and compare information from selected states regarding seclusion and restraint policies. Two charts were constructed to show the similarities and differences among states (Attachments A and B).

Staff was also directed to examine Act 531 which took effect on January 3, 2005. Attachment C is a comparison of the Child Care Organization Act to the Document.

The Document was edited to address issues voiced by the SBE and is presented as Attachment D. Recommended Strategic Directives are delineated in Attachment E.

In April, 2006, the SBE will be asked to approve the Document and the Recommended Strategic Directives.

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**SECLUSION  
CROSS STATE COMPARISON**

	<b>Proposed Policy</b>	<b>Guidelines Rules</b>	<b>Rules</b>	<b>Massachusetts</b>	<b>Laws Rules</b>	<b>Guidelines</b>
<b>Student Population</b>	<b>Michigan</b> Applies to All Students	<b>Colorado</b> Applies to All Students	<b>Maryland</b> Applies to All Students	<b>Massachusetts</b> Applies to All Students	<b>Texas</b> Applies to All Students	<b>Wisconsin</b> Applies Only to Special Education Students
<b>Seclusion Definition</b>	-Uses the Term Confinement -Exit Prevented -Examples of What is Not Seclusion	-Uses the Term Placement -Exit Prevented -Examples of What is Not Seclusion	-Uses the Term Confinement -Exit Prevented	-Defined	-Uses the Term Separated From	-Uses the Terms Removing and Isolating -Examples of What is Not Seclusion
<b>Use of Seclusion</b>	-Includes PBS* -Only Emergency Use -Definition Given for Emergency	-Emergency Use -Definition Given for Emergency	-Includes PBS* -Emergency Use -Definition Given for Emergency	-Prohibited	-Includes PBS+	-Use a Continuum of Strategies -Immediate Danger Only
<b>Seclusion General Procedures</b>	<b>Staff</b> -Minimum of 2 Involved -Training Required	<b>Staff</b> -Trained -Minimum of 1 Involved -Training Required	<b>Staff</b> -Training Required	<b>Staff</b> -NA	<b>Staff</b> -Training Required	<b>Staff</b> -No Specific Requirements
	<b>Length of Seclusion</b> -Specified Time by Age	<b>Length of Seclusion</b> -No Specific Requirements	<b>Length of Seclusion</b> -No Specific Requirements	<b>Length of Seclusion</b> -NA	<b>Length of Seclusion</b> -No Specific Requirements	<b>Length of Seclusion</b> -Specified Time by Age
	<b>Seclusion Area</b> -Standards	<b>Seclusion Area</b> -Standards	<b>Seclusion Area</b> -Standards	<b>Seclusion Area</b> -NA	<b>Seclusion Area</b> -No Standards	<b>Seclusion Area</b> -Standards
	<b>Incident Documentation</b> -Required	<b>Incident Documentation</b> -Required	<b>Incident Documentation</b> -Required	<b>Incident Documentation</b> -NA	<b>Incident Documentation</b> -Required	<b>Incident Documentation</b> -Required
	<b>Parent</b> -Informed of Each Incident -Informed Consent for Use in a PBS* Plan	<b>Parent</b> -No Requirements	<b>Parent</b> -Informed of Each Incident -Discuss Use in IEP/BIP***	<b>Parent</b> -NA	<b>Parent</b> -Planned Use Must Be in the IEP** -Informed of Each Incident	<b>Parent</b> -Discuss Use in IEP/BIP*** (No Consent)
	<b>Follow up</b> -Established Procedures	<b>Follow up</b> -Established Procedures	<b>Follow up</b> -Established Procedures	<b>Follow up</b> -NA	<b>Follow up</b> -None	<b>Follow up</b> -Established Procedures
	<b>Observation of Student</b> -Continuous -Visual	<b>Observation of Student</b> -Visual	<b>Observation of Student</b> -Visual -Continuous	<b>Observation of Student</b> -NA	<b>Observation of Student</b> -No Requirement	<b>Observation of Student</b> -Constant
<b>Limitations in the Use of Seclusion</b>	-Yes	-No	-No	-NA	-Yes	-No

\* PBS = Positive Behavior Support  
 \*\* IEP = Individualized Educational Program  
 \*\*\* IEP/BIP = Individualized Educational Program/Behavior Intervention Plan

**RESTRAINT  
CROSS STATE COMPARISON**

	<b>Proposed Policy</b> <b>Michigan</b>	<b>Guidelines</b> <b>Rules</b> <b>Colorado</b>	<b>Rules</b> <b>Maryland</b>	<b>Rules</b> <b>Massachusetts</b>	<b>Laws</b> <b>Rules</b> <b>Texas</b>	<b>Guidelines</b> <b>Wisconsin</b>
<b>Student Population</b>	Applies to All Students	Applies to All Students	Applies to All Students	Applies to All Students	Applies to Special Education Students Only	Applies to Special Education Students Only
<b>Restraint Definition</b>	<b>Types of Restraint Defined</b> -Physical -Mechanical	<b>Types of Restraint Defined</b> -Physical -Mechanical -Restraint	<b>Types of Restraint Defined</b> -Physical -Mechanical -Restraint -Chemical -Seclusion	<b>Types of Restraint Defined</b> -Physical -Mechanical -Restraint -Chemical -Seclusion	<b>Types of Restraint Defined</b> -Restraint	<b>Types of Restraint Defined</b> -Physical -(Manual)
<b>Use of Restraint</b>	Examples of What is Not Restraint Only Emergency Use (Definition Given)	Examples of What is Not Restraint Emergency Use (Definition Given)	Examples of What is Not Restraint Emergency Use (Definition Given)	Examples of What is Not Restraint Emergency Use (Definition Given)	Examples of What is Not Restraint Emergency Use (Definition Given)	Examples of What is Not Restraint Emergency Use (Definition Given)
<b>Restraint General Procedures</b>	<b>For Safety of:</b> -Self -Others  <b>Staff</b> -Minimum of 2 Involved -Training Required	<b>For Safety of:</b> -Student -School Community  <b>Staff</b> -Minimum of 1 Involved -Training Required	<b>For Safety of:</b> -Self -Others  <b>Staff</b> -Training Required	<b>For Safety of:</b> -Others -Self-Injurious -Suicide  <b>Staff</b> -Training Required	<b>For Safety of:</b> -Self -Others  <b>Staff</b> -Minimum of 1 Involved -Training Required	<b>For Safety of:</b> -Self -Others  <b>Staff</b> -Minimum of 1 Involved -Training Required
	<b>Length of Restraint</b> -Specified Time	<b>Length of Restraint</b> -Specified Time	<b>Length of Restraint</b> -Specified Time	<b>Length of Restraint</b> -Specified Time	<b>Length of Restraint</b> -No Specific Requirements	<b>Length of Restraint</b> -No Specific Requirements
	<b>Incident Documentation</b> -Required	<b>Incident Documentation</b> -Required	<b>Incident Documentation</b> -Required	<b>Incident Documentation</b> -Required	<b>Incident Documentation</b> -Required	<b>Incident Documentation</b> -Required
	<b>Parent</b> -Informed of Each Incident -Informed Consent for Use in a PBS* Plan	<b>Parent</b> -Notify Parent -Permission Obtained for Anticipated Emergency Situation -Discuss Use in IEP**	<b>Parent</b> -Notification to Parent -Discuss Use in IEP/BIP***	<b>Parent</b> -Inform Parent	<b>Parent</b> -Contact and Notification to Parent	<b>Parent</b> -Contact Parents -Discuss Use in IEP**

\* PBS = Positive Behavior Support  
 \*\* IEP = Individualized Educational Program  
 \*\*\* IEP/BIP = Individualized Educational Program/Behavior Intervention Plan

**RESTRAINT  
CROSS STATE COMPARISON**

	<b>Proposed Policy</b>	<b>Guidelines Rules</b>	<b>Rules</b>	<b>Rules</b>	<b>Laws Rules</b>	<b>Guidelines</b>
	<b>Michigan</b> Follow up -Established Procedures <b>Observation of Student</b> -Continuous -Visual	<b>Colorado</b> Follow up -Established Procedures <b>Observation of Student</b> -Continually Monitored	<b>Maryland</b> Follow up -Established Procedures <b>Observation of Student</b> -No Requirement	<b>Massachusetts</b> Follow up -Established Procedures <b>Observation of Student</b> -Continuously Monitored	<b>Texas</b> Follow up -None <b>Observation of Student</b> -No Requirement	<b>Wisconsin</b> Follow up -Established Procedures <b>Observation of Student</b> -Constant
<b>Limitations in the Use of Restraint</b>	-Yes	-No	-No	-Yes	-Yes	-Yes
<b>List of Prohibited Practices</b>	-Yes	-Yes	-No	-Yes	-Yes	-No
<b>Specific Training and Implementation Guidelines</b>	-Yes	-Yes	-Yes	-Yes	-Yes	-Yes

\* PBS = Positive Behavior Support  
 \*\* IEP = Individualized Educational Program  
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**MICHIGAN  
SECLUSION AND RESTRAINT**

	<b>PROPOSED POLICY</b>	<b>CHILD CARE ORGANIZATION CODE*</b>
<b>Seclusion</b>	<p><b>Population:</b> All Students</p> <p><b>Definition:</b> Uses the Terms: Confinement; Exit Prevented; Alone</p> <p><b>Use of Seclusion:</b> Positive Behavior Support (Intro); Emergency (Defined); Safety: Self, Others</p> <p><b>General Procedures:</b>  <i>Staff:</i> 2 Minimum; Trained  <i>Length of Seclusion:</i> Specified Time (By Age); Area-Standards  <i>Documentation:</i> Required  <i>Reporting:</i> Established Procedures</p> <p><b>Observation:</b> Continuous; Visual</p> <p><b>Planned Use or Permission:</b> Informed Consent of Parent; Informed of Each Incident</p> <p><b>Limitations:</b> Yes</p>	<p><b>Population:</b> Minor Children</p> <p><b>Definition:</b> Uses the Terms: Placement; Exit Prevented; Alone</p> <p><b>Use of Seclusion:</b> Emergency Safety Intervention; Safety: Self, Others</p> <p><b>General Procedures:</b>  <i>Staff:</i> Trained  <i>Length of Seclusion (Time):</i> 4 Hrs-18 Yrs and Older; 2 Hrs-9-17 Yrs; 1 Hr-9 Yrs and Younger  <i>Documentation:</i> Required  <i>Reporting:</i> Serious Occurrences Reported to the State, the State Reports to Michigan Protection and Advocacy Service</p> <p><b>Planned Use or Permission:</b> Inform Parent About Seclusion Policy; Inform Parent of Each Incident</p> <p><b>Limitations:</b> Yes</p>
<b>Restraint</b>	<p><b>Population:</b> All Students</p> <p><b>Definition:</b> Uses the Terms: Physical; Mechanical</p> <p><b>Use of Restraint:</b> Defined; Safety to Self, Others</p> <p><b>General Procedures:</b>  <i>Staff:</i> 2 Minimum, Trained  <i>Length of Restraint:</i> Specified Time  <i>Documentation:</i> Required  <i>Parent:</i> Informed of Each Incident  <i>Follow up:</i> Established Procedures</p> <p><b>Observation:</b> Continuous; Visual</p> <p><b>Planned Use or Permission:</b> Informed Consent of Parent</p> <p><b>Limitations:</b> Yes</p>	<p><b>Population:</b> Minor Children</p> <p><b>Definition:</b> Uses the Terms: Chemical; Personal; Mechanical</p> <p><b>Use of Restraint:</b> Emergency (Defined); Safety: Self, Others</p> <p><b>General Procedures:</b>  <i>Staff:</i> Trained  <i>Length of Restraint (Time):</i> Specified by Age  <i>Documentation:</i> Required  <i>Parent:</i> Notify Parent of Each Incident  <i>Reporting:</i> Serious Occurrences Reported to the State, the State Reports to Michigan Protection and Advocacy Service, Data Collection</p> <p><b>Planned Use or Permission:</b> Inform Parent About Restraint Policy</p> <p><b>Limitations:</b> Yes</p>

\* "Child Care Organization" means a governmental or nongovernmental organization having as its principal function the receiving of minor children for care, maintenance, training, and supervision, notwithstanding that educational instruction may be given. Child care organization includes organizations commonly described as child caring institutions, child placing agencies, children's camps, child care centers, day care centers, nursery schools, parent cooperative preschools, foster homes, group homes, or day care homes.

**SUPPORTING STUDENT BEHAVIOR:  
STANDARDS FOR THE EMERGENCY USE  
OF SECLUSION AND RESTRAINT**

March 14, 2006

**Bold print reflects language added since the October 2005 State Board of Education Meeting**

**SUPPORTING STUDENT BEHAVIOR: STANDARDS FOR THE  
EMERGENCY USE OF SECLUSION AND RESTRAINT**

**TABLE OF CONTENTS**

	<u>PAGE NUMBER</u>
I. Introduction .....	7
<b>II. School-wide Systems of Behavioral Support.....</b>	<b>8</b>
III. Positive Behavior Support .....	8
<b>IV. Training .....</b>	<b>10</b>
V. Seclusion .....	11
VI. Restraint .....	14
Appendix A (Section 380.1312 School Code) .....	17

## **SUPPORTING STUDENT BEHAVIOR: STANDARDS FOR THE EMERGENCY USE OF SECLUSION AND RESTRAINT**

### **I. Introduction**

Michigan citizens are concerned about the use of seclusion and restraint in Michigan public schools. Acting on this concern, the Michigan Superintendent of Public Instruction convened a statewide referent group in May 2004. The diverse referent group, representing parents, advocates, educators, policy makers, and service providers, was charged to:

- develop standards for seclusion and restraint that replace an existing State Board of Education (SBE) document;
- recommend substantive strategic directives; and
- recommend implementation to the SBE.

The referent group was committed from the beginning to create standards that apply to all Michigan students. The referent group consulted a variety of sources in creating this draft document. Statutes, rules, and policies from other states were examined. Behavior guidelines from the Wayne County Regional Educational Service Agency and the Traverse Bay Intermediate School District were also available as reference materials (moved from end of previous version of this document). The referent group agreed that the SBE standards would:

- promote the care, safety, welfare, and security of the school community and protect learning opportunities for all;
- require the use of proactive and effective strategies and best practices to reduce or eliminate seclusion and restraint;
- clearly define the terms "seclusion" and "restraint"; and
- clearly state the procedures for the use of seclusion and restraint.

**Directed by the SBE, and built upon the work of the referent group, the Michigan Department of Education (MDE) staff was charged with the task of editing the final document to address issues voiced by the SBE.**

*The Supporting Student Behavior: Standards for the Emergency Use of Seclusion and Restraint (Supporting Student Behavior)* document:

- summarizes how a positive behavior support approach uses proactive strategies to reduce or eliminate the use of seclusion and restraint;
- defines the terms "seclusion" and "restraint";
- outlines procedures for emergency use of seclusion and restraint; and
- provides a framework for training.

The *Supporting Student Behavior* document is rooted in best practices and drafted in the belief that:

- the most effective strategies for supporting positive student behavior begin with meaningful instruction provided by highly trained professionals in a safe environment which promotes dignity for all students;

- school-wide systems of positive behavioral support to address challenging behavior will increase instructional time for all; and
- seclusion or restraint should only be used in an emergency and require diligent assessment, monitoring, documentation, and reporting by trained personnel.

## **II. School-wide Systems of Behavioral Support**

**It is imperative and expected that school districts adopt school-wide systematic and effective approaches to challenging behaviors. An effective school-wide system provides a full continuum of methods to support appropriate behavior, to promote safety, and to discourage violations of a school's Student Code of Conduct. The use of positive interventions support adaptive and pro-social behavior and foster dignity and self-esteem in students. Implementation of a school-wide systematic approach will ensure that seclusion and restraint are only used as a last resort method.**

**Positive Behavior Support (PBS) is an example of an effective, research-based system that addresses challenging behaviors in a collaborative, comprehensive, research-validated, and humane manner.**

## **III. Positive Behavior Support**

PBS is not a new intervention package, nor a new theory of behavior. PBS applies a behaviorally-based approach that enhances the capability of educators and parents to design effective environments that support student learning and behavior.

PBS emphasizes behavior that encourages learning by:

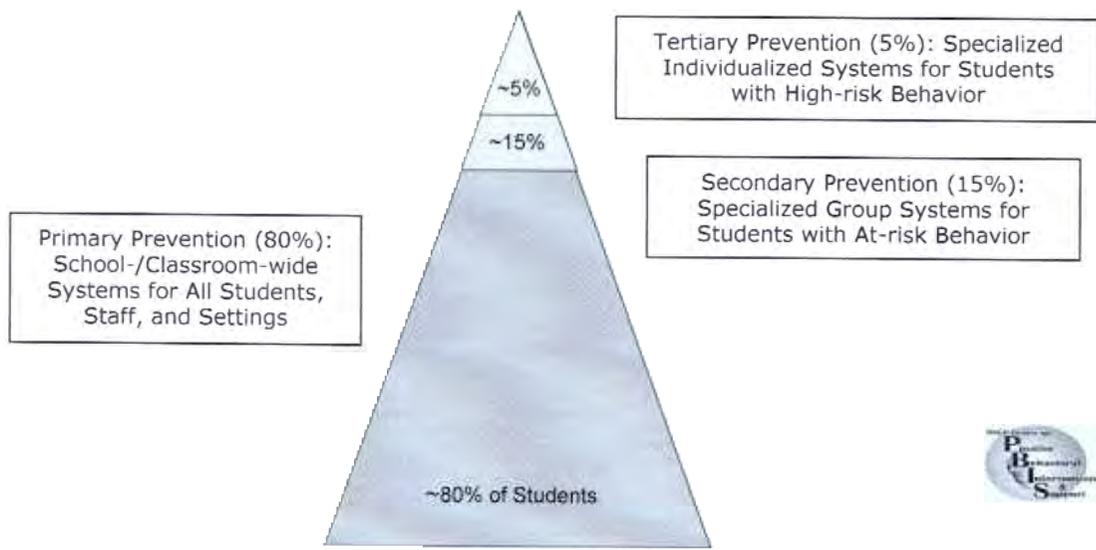
- building relationships;
- creating routines;
- teaching skills/rules/expectations;
- identifying replacement behaviors for behaviors that interfere with learning;
- making problem behavior less effective, efficient, and relevant; and
- making the desired behavior more functional and adaptive.

PBS injects research-validated practices into education to create and sustain learning environments that improve the quality of life for all students in their educational programs: general; special or alternative education; and preschool through postsecondary.

PBS can be applied across three dimensions:

1. school-wide;
2. targeted groups of students at-risk; and
3. intensive effort for individual students.

## CONTINUUM OF SCHOOL-WIDE INSTRUCTIONAL AND POSITIVE BEHAVIOR SUPPORT



The chart above, available at [www.pbis.org](http://www.pbis.org), illustrates PBS as applied to the three key areas in schools:

1. approximately 80% of all students have zero to one office referrals in a school that uses school-wide PBS practices (e.g., school-wide behavior expectations, acknowledgement and encouragement of successful behavior, and staff modeling expectations);
2. approximately 15% of all students exhibit behaviors that benefit from targeted interventions (e.g., anger management group, social skills training, or adult mentor); and
3. approximately 5% of all students have challenges that require specialized and intensive interventions, including an individualized plan of support.

The above percentages reflect the effect of properly implemented school-wide PBS approaches. Schools that do NOT have a school-wide PBS approach in place typically:

- have significantly larger percentages of students receiving individualized attention (usually disciplinary in nature) at the tertiary prevention level;
- do not use the secondary prevention approach that targets at-risk groups of students efficiently and/or effectively; and
- have significantly smaller percentages of students within the universal level.

**In February 2000, the MDE created a comprehensive manual for implementation of PBS for all students. The manual includes strategies for self-assessing a school's PBS status, resources and references, and computer-accessible materials. PBS has been adopted by numerous school districts throughout the state. The MDE would like to see all school districts in Michigan adopt and implement a school-wide PBS.**

***Supporting Student Behavior* is a document that will only be effective when it is used with the companion manual, *Positive Behavior Support for ALL Michigan Students: Creating Environments That Assure Learning (February 2000)* and its supplement, *Positive Behavior Support for Young Children (June 2001)*.**

**As part of a PBS system, attention must be given to emergency situations. School personnel need guidelines as to what is and is not appropriate in an emergency situation. Any use of seclusion or restraint must be viewed as a last resort and only undertaken by trained personnel who are familiar with this policy and the *Positive Behavior Support for ALL Michigan Students: Creating Environments That Assure Learning (February 2000)* manual.**

- IV. Training (This section moved from the back of original document and re-written to include language from Child Care Organizations statute.) A comprehensive training framework includes awareness training for the broader educational community and comprehensive training for key identified personnel. The training shall include proactive practices and strategies such as conflict resolution, mediation, social skills training, de-escalation techniques, and PBS strategies to prevent emergency safety situations that would require seclusion or restraint. Personnel should also be trained in techniques to identify student's behaviors and events and environmental factors that may trigger emergency safety situations.**

**Trained personnel who may have to respond to an emergency safety situation shall be trained in: description and identification of dangerous behaviors, as well as methods for evaluating the risk of harm to determine whether the use of seclusion or restraint is warranted; types of seclusion, restraint, and related safety considerations, including information regarding the increased risk of injury to students and staff when seclusion or restraint is used; and, the risk of using seclusion and restraint in consideration of a student's known and unknown medical or psychological limitations. Training must also include instruction in the use of seclusion and restraint and the effects of seclusion and restraint on students, including how to monitor the physical signs of distress and how to obtain medical assistance.**

**Before using seclusion or restraint with students, personnel must demonstrate competence in seclusion and restraint procedures. The following sections define seclusion and restraint and explain the parameters around their use.**

## V. Seclusion

### A. Definition

**Seclusion** is the confinement of a student alone in a room or an area from which exit is prevented. **Seclusion is an emergency safety intervention. Seclusion is an opportunity for the student to regain self-control.** Seclusion is not the separation of a student from others or removal from the learning environment (e.g., exclusionary timeout, in-school suspension, out-of-school suspension, sent to the office, sent home, moment in the hall, escorting a disruptive student out of the classroom, or class evacuation from a student disruptive to the learning environment; *this is not an exhaustive list*).

### B. Use of Seclusion

A behavior that requires immediate intervention constitutes an emergency. Seclusion must only be used under emergency situations and if essential. An emergency that may require the use of seclusion includes behavior that:

1. poses an imminent risk to the safety of an individual student; or
2. poses an imminent risk to the safety of others.

(The third item, "poses an imminent risk of substantial property damage" was eliminated.)

### C. General Procedures for Seclusion

1. An emergency seclusion procedure may not be used in place of appropriate less restrictive interventions.
2. **Emergency seclusion shall be performed in a manner that is safe, appropriate, and proportionate to the severity of the student's behavior, chronological and developmental age, size, gender, physical condition, medical condition, psychiatric condition, and personal history, including any history of physical or sexual abuse. (Language taken from Section 722.112d(4) of the Child Care Organizations statute.)**
3. **Staff shall immediately call for help from within the building at the onset of an emergency (see section V.C.5.a., page 11).**
4. Seclusion should not be used any longer than necessary to allow a student to regain control of their behavior, but generally no longer than 5 minutes for preschool children, no longer than 15 minutes for elementary school students, and no longer than 20 minutes for middle through high school students. If an emergency seclusion lasts longer than the suggested maximum time, additional review, support (e.g., change of staff, introducing a nurse or specialist, obtaining additional expertise), and documentation **is required** (to explain the extension beyond the time limit).
5. While using seclusion, staff must:
  - a. involve at least two appropriately-trained staff to protect the care, welfare, dignity, and safety of the student;

- b. continually observe the student in seclusion for indications of physical distress and seek medical assistance if there is a concern; and
      - c. document observations.
- 6. Each use of an emergency procedure and the reason for each use should be documented and reported to the building administration immediately, with attempts to reach the parent or guardian immediately or as soon as possible. A written report of each use of seclusion (including multiple uses within a given day) should be given to parents or guardians within 24 hours.
- 7. After any use of an emergency seclusion, staff should debrief and consult with parents and students (as appropriate) regarding the determination of future actions:
  - a. Is there any anticipation that the behavior will occur again?
  - b. If yes, is there a need for follow-up action?
- 8. Should a pattern of behavior emerge, or be anticipated, which may require the use of emergency seclusion, the school personnel should conduct a functional behavioral assessment and, if appropriate, develop or revise a positive behavior support plan (PBSP). One of the purposes of a PBSP is to facilitate the reduction or elimination of the use of seclusion. The assessment and planning process should be conducted by a team knowledgeable about the student, including the parent and the student (if appropriate). The team should include people who are responsible for implementation of the PBSP and who are knowledgeable in PBS.
- 9. Should a pattern of behavior which requires the use of emergency seclusion emerge, or be anticipated, an emergency intervention plan should be developed in addition to the PBSP to protect the health, safety, and dignity of the student. The emergency intervention plan should be developed by a team that includes a person knowledgeable about seclusion. The emergency intervention plan should be developed and implemented by taking the following documented steps:
  - a. describe in detail the emergency intervention procedures;
  - b. inquire of the student's medical personnel (with parent consent) regarding any known medical or health contraindications for the use of seclusion;
  - c. conduct a peer review by knowledgeable staff;
  - d. gain informed consent from the parent after providing the following:
    - i. an explanation of emergency procedures to be followed and the purpose for the emergency seclusion;
    - ii. a description of possible discomforts or risks;
    - iii. a discussion of possible alternative strategies with advantages and disadvantages;
    - iv. answers to any questions; and
    - v. information on freedom to withdraw consent at any time;

- e. when seclusion is included in an emergency intervention plan, the student should be told or shown the circumstances under which the emergency seclusion will be used;
  - f. if concerns arise regarding humaneness or social acceptability, a human rights' committee should be convened to review the emergency intervention plan;
  - g. as defined in the emergency intervention plan, provide periodic review of the plan and related data;
  - h. ensure that responsible staff are trained in the specific techniques described in the emergency intervention plan; and
  - i. maintain necessary staffing at all times.
- 10. The school district shall develop a system of data collection regarding seclusion. The data should be analyzed to determine the efficacy of the school's school-wide system of behavioral support. Data should include a list of key trained personnel and their levels of education, training, knowledge, and competency.**

**D. Limitations in Use**

- 1. Seclusion shall not be used for:
  - a. the convenience of staff;
  - b. as a substitute for an educational program;
  - c. as a form of discipline/punishment;
  - d. as a substitute for less restrictive alternatives;
  - e. as a substitute for adequate staffing; or
  - f. as a substitute for staff training in positive behavior supports and crisis prevention and intervention.
- 2. An area used for seclusion should:
  - a. not prevent the student from exiting the area should staff become incapacitated or leave that area; and
  - b. provide for adequate space, lighting, ventilation, viewing and the safety of the student.
- 3. Seclusion is generally inappropriate for students who are severely self-injurious or suicidal.

**E. Prohibited Practices (Previously in separate section, moved to the Seclusion section and repeated in the Restraint section.)**

- 1. The following procedures are prohibited under all circumstances, including emergency situations:
  - a. corporal punishment as defined in §380.1312 of The Revised School Code, 1976 PA 451;
  - b. the deprivation of basic needs;
  - c. anything constituting child abuse;
  - d. the intentional application of any noxious substance(s) or stimuli which results in physical pain or extreme discomfort. A noxious substance or stimuli can either be generally acknowledged or specific to the student.

## VI. Restraint

### A. Definitions

There are two types of restraint: physical and mechanical. **Mechanical restraint is prohibited.**

1. **Physical restraint** involves direct physical contact that prevents or significantly restricts a student's movement. **Restraint is an emergency safety intervention. Restraint is an opportunity for the student to regain self-control.** Physical restraint does not include brief holding by an adult in order to calm or comfort, the minimum contact necessary to safely escort a student from one area to another, the breaking up of a fight, or assisting a student in completing a task/response if the student does not resist or resistance is minimal in intensity or duration.
2. **Mechanical restraint** means the use of any device or material attached to or adjacent to a student's body that restricts normal freedom of movement and which cannot be easily removed by a student. Mechanical restraint does not include an adaptive or protective device recommended by a physician or therapist (when it is used as recommended), or safety equipment used by the general student population as intended.

### B. Use of Restraint

A behavior that requires immediate intervention constitutes an emergency. Restraint must only be used under emergency situations and if essential.

An emergency that may require the use of restraint includes behavior that:

1. poses an imminent risk to the safety of an individual student;
2. poses an imminent risk to the safety of others; or
3. is otherwise governed by The Revised School Code, 1976 PA 451.

(Eliminated "poses an imminent risk of substantial property damage.")

### C. General Procedures for Restraint

1. An emergency restraint procedure may not be used in place of appropriate less restrictive interventions.
2. **Emergency restraint shall be performed in a manner that is safe, appropriate, and proportionate to the severity of the student's behavior, chronological and developmental age, size, gender, physical condition, medical condition, psychiatric condition, and personal history, including any history of physical or sexual abuse. (Language taken from Section 722.112d(4) of the Child Care Organizations statute.)**
3. **Staff shall immediately call for help from within the building at the onset of an emergency (see section VI.C.5.a., page 15).**
4. Restraint should not be used any longer than necessary to allow students to regain control of their behavior, but generally no longer than ten minutes. If an emergency restraint lasts longer than ten minutes, additional review, support (e.g., change of staff, introducing

- a nurse or specialist, obtaining additional expertise), and documentation is required (to explain the extension beyond the time limit).
5. While using restraint, staff must:
    - a. involve at least two appropriately-trained staff to protect the care, welfare, dignity, and safety of the student;
    - b. continually observe the student in restraint for indications of physical distress and seek medical assistance if there is a concern; and
    - c. document observations.
  6. Each use of an emergency procedure and the reason for each use should be documented and reported to the building administration immediately, with attempts to reach the parent or guardian immediately or as soon as possible. A written report of each use of restraint (including multiple uses within a given day) should be given to parents or guardians within 24 hours.
  7. After any use of an emergency restraint, staff should debrief and consult with parents and students (as appropriate) regarding the determination of future actions:
    - a. Is there any anticipation that the behavior will occur again?
    - b. If yes, is there a need for follow-up action?
  8. Should a pattern of behavior emerge, or be anticipated, which may require the use of emergency restraint, the school personnel should conduct a functional behavioral assessment and, if appropriate, develop or revise a PBSP. A purpose of the PBSP is to facilitate the reduction or elimination of the use of restraint. The assessment and planning process should be conducted by a team knowledgeable about the student, including the parent and the student (if appropriate). The team should include people who are responsible for implementation of the PBSP and who are knowledgeable in PBS.
  9. Should a pattern of behavior which requires the use of emergency restraint emerge, or be anticipated, an emergency intervention plan should be developed in addition to the PBSP to protect the health, safety, and dignity of the student. The emergency intervention plan should be developed by a team that includes a person knowledgeable about restraint. The emergency intervention plan should be developed and implemented by taking the following documented steps:
    - a. describe in detail the emergency intervention procedures;
    - b. inquire of the student's medical personnel (with parent consent) regarding any known medical or health contraindications for the use of restraint;
    - c. conduct a peer review by knowledgeable staff;
    - d. gain informed consent from the parent after providing the following:
      - i. an explanation of emergency procedures to be followed and the purpose for the emergency restraint;
      - ii. a description of possible discomforts or risks;

- iii. a discussion of possible alternative strategies with advantages and disadvantages;
  - iv. answers to any questions; and
  - v. information on freedom to withdraw consent at any time;
  - e. when restraint is included in an emergency intervention plan, the student should be told or shown the circumstances under which the emergency restraint will be used;
  - f. if concerns arise regarding humaneness or social acceptability, a human rights' committee should be convened to review the emergency intervention plan;
  - g. as defined in the emergency intervention plan, provide periodic review of the plan and related data;
  - h. ensure that responsible staff are trained in the specific techniques described in the emergency intervention plan; and
  - i. maintain necessary staffing at all times.
- 10. The school district shall develop a system of data collection regarding restraint. The data should be analyzed to determine the efficacy of the school-wide system of behavioral support. Data should include a list of key trained personnel and their levels of education, training, knowledge, and competency.**

**D. Limitations in Use**

- 1. Restraint shall not be used for:
  - a. the convenience of staff;
  - b. as a substitute for an educational program;
  - c. as a form of discipline/punishment;
  - d. as a substitute for less restrictive alternatives;
  - e. as a substitute for adequate staffing; or
  - f. as a substitute for staff training in positive behavior supports and crisis prevention and intervention.
- 2. Any restraints that negatively impact breathing are prohibited.

**E. Prohibited Practices (Previously in separate section, moved to the Restraint section and repeated in the Seclusion section.)**

- 1. The following procedures are prohibited under all circumstances, including emergency situations:
  - a. mechanical restraint;
  - b. corporal punishment as defined in §380.1312 of The Revised School Code, 1976 PA 451;
  - c. the deprivation of basic needs;
  - d. anything constituting child abuse;
  - e. any restraints that negatively impact breathing; and
  - f. the intentional application of any noxious substance(s) or stimuli which results in physical pain or extreme discomfort. A noxious substance or stimuli can either be generally acknowledged or specific to the student.

**THE REVISED SCHOOL CODE (EXCERPT)  
Act 451 of 1976**

**380.1312 "Corporal punishment" defined; infliction of corporal punishment by employee, volunteer, or contractor; exercise of necessary reasonable physical force; liability; violation; deference given to reasonable good-faith judgments; development, implementation, and enforcement of code of student conduct; model list of alternatives to use of corporal punishment; authority permitting corporal punishment void.**

Sec. 1312.

(1) As used in this section, "corporal punishment" means the deliberate infliction of physical pain by hitting, paddling, spanking, slapping, or any other physical force used as a means of discipline.

(2) Corporal punishment does not include physical pain caused by reasonable physical activities associated with athletic training.

(3) A person employed by or engaged as a volunteer or contractor by a local or intermediate school board or public school academy shall not inflict or cause to be inflicted corporal punishment upon any pupil under any circumstances.

(4) A person employed by or engaged as a volunteer or contractor by a local or intermediate school board or public school academy may use reasonable physical force upon a pupil as necessary to maintain order and control in a school or school-related setting for the purpose of providing an environment conducive to safety and learning. In maintaining that order and control, the person may use physical force upon a pupil as may be necessary for 1 or more of the following:

(a) To restrain or remove a pupil whose behavior is interfering with the orderly exercise and performance of school district or public school academy functions within a school or at a school-related activity, if that pupil has refused to comply with a request to refrain from further disruptive acts.

(b) For self-defense or the defense of another.

(c) To prevent a pupil from inflicting harm on himself or herself.

(d) To quell a disturbance that threatens physical injury to any person.

(e) To obtain possession of a weapon or other dangerous object upon or within the control of a pupil.

(f) To protect property.

(5) A person employed by or engaged as a volunteer or contractor by a local or intermediate school board or public school academy who exercises necessary reasonable physical force upon a pupil, or upon another person of school age in a school-related setting, as described in subsection (4) is not liable in a civil action for damages arising from the use of that physical force

and is presumed not to have violated subsection (3) by the use of that physical force. This subsection does not alter or limit a person's immunity from liability provided under 1964 PA 170, MCL 691.1401 to 691.1415.

(6) A person who willfully or through gross negligence violates subsection (3) or who willfully or through gross negligence violates subsection (4) may be appropriately disciplined by his or her school board or public school academy.

This subsection does not limit a school board's or public school academy's authority to discipline an employee for a violation of its own policies.

(7) In determining whether an employee, volunteer, or contractor has acted in accordance with subsection (4), deference shall be given to reasonable good-faith judgments made by that person.

(8) A local or intermediate school district or a public school academy shall develop and implement a code of student conduct and shall enforce its provisions with regard to pupil misconduct in a classroom, elsewhere on school premises, on a school bus or other school-related vehicle, or at a school sponsored activity or event whether or not it is held on school premises.

(9) The department shall develop a model list of alternatives to the use of corporal punishment. This model list shall be developed in consultation with organizations that represent the interests of teachers, school employees, school boards, school administrators, pupils, parents, and child advocates, plus any other organization that the state board of education may wish to consult. The department shall send this model list to each school district, public school academy, and intermediate school district in the state and to each nonpublic school in the state that requests it. A local or intermediate school board or public school academy shall approve and cause to be distributed to each employee, volunteer, and contractor a list of alternatives to the use of corporal punishment. Upon request, the department of education shall provide assistance to schools in the development of programs and materials to implement this section.

(10) Any resolution, bylaw, rule, policy, ordinance, or other authority permitting corporal punishment is void.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977 ;-- Am. 1988, Act 521, Eff. Mar. 30, 1989 ;-- Am. 1992, Act 6, Imd. Eff. Mar. 10, 1992 ;-- Am. 1995, Act 289, Eff. July 1, 1996 ;-- Am. 2000, Act 461, Imd. Eff. Jan. 10, 2001

**Popular Name:** Act 451

**Revised  
Recommended Strategic Directives**

**The Supporting Student Behavior: Standards for the Emergency Use of Seclusion and Restraint referent group respectfully requests that the State Board of Education (SBE) consider the following strategic directives.**

1. That the State Board of Education (SBE) mandate that all school districts in Michigan develop and implement a school-wide system of positive behavioral support.
2. That the SBE ask the legislature to mandate the policy through legislation.
3. That the SBE direct the Michigan Department of Education (MDE) to:
  - a. develop a plan to disseminate information about the policy;
  - b. create a comprehensive training framework that includes awareness for the broader education community and comprehensive training for key personnel; and
  - c. build into the training framework a mechanism for quality assurance.
4. That the SBE direct the MDE to:
  - a. collect data on seclusion and restraint and analyze it in the context of other relevant data; i.e., suspension, expulsion, dropout;
  - b. analyze the data for purposes of monitoring and continuous improvement of training and technical assistance toward the reduction or elimination of seclusion and restraint; and
  - c. create an annual report of seclusion and restraint data and distribute the report through the appropriate systems.