



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING



MICHAEL P. FLANAGAN
SUPERINTENDENT OF
PUBLIC INSTRUCTION

JENNIFER M. GRANHOLM
GOVERNOR

November 9, 2006

MEMORANDUM

TO: State Board of Education

FROM: Michael P. Flanagan, Chairman

SUBJECT: Presentation on Creating Safe School Environments Including the Use of Seclusion and Restraint

A revised draft document for Supporting Student Behavior: Standards for the Emergency Use of Seclusion and Restraint was presented at the State Board of Education meeting on October 10, 2006. The document prompted public commentary from many participants. Since October many of you and many Michigan Department of Education staff members have received extensive input and public comment. The public comment has focused on three issues:

- ⇒ There is great concern that the adoption of the policy would conflict with the state statute on the use of corporal punishment (The Revised School Code, Act 451 of 1976, Section 1312(4)).
- ⇒ There is a request to not eliminate seclusion, but to redefine the term and develop guidelines for use.
- ⇒ There is confusion about the applicability of the policy to students in educational settings operated by other state agencies, i.e., the Department of Corrections.

The state statute on the use of corporal punishment allows the use of "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." Since the October 2006 draft policy document recommends the elimination of prone restraint, it could be construed to mean that, even in the event of using physical force for student safety, using prone restraint would be considered an unreasonable use of force. The policy is not intended to negate state statute.

STATE BOARD OF EDUCATION

KATHLEEN N. STRAUS – PRESIDENT • JOHN C. AUSTIN – VICE PRESIDENT
CAROLYN L. CURTIN – SECRETARY • MARIANNE YARED MCGUIRE – TREASURER
NANCY DANHOF – NASBE DELEGATE • ELIZABETH W. BAUER
REGINALD M. TURNER • EILEEN LAPPIN WEISER

606 WEST ALLEGAN STREET • P.O. BOX 30008 • LANSING, MICHIGAN 48909
www.michigan.gov/mde • (517) 373-3324

School teachers, administrators and parents have commented that there is a need for some level of seclusion in the continuum of behavior interventions in a school. There is agreement that seclusion should not include a locked room and that a student in seclusion should be under constant adult supervision, but that seclusion is still warranted on occasion.

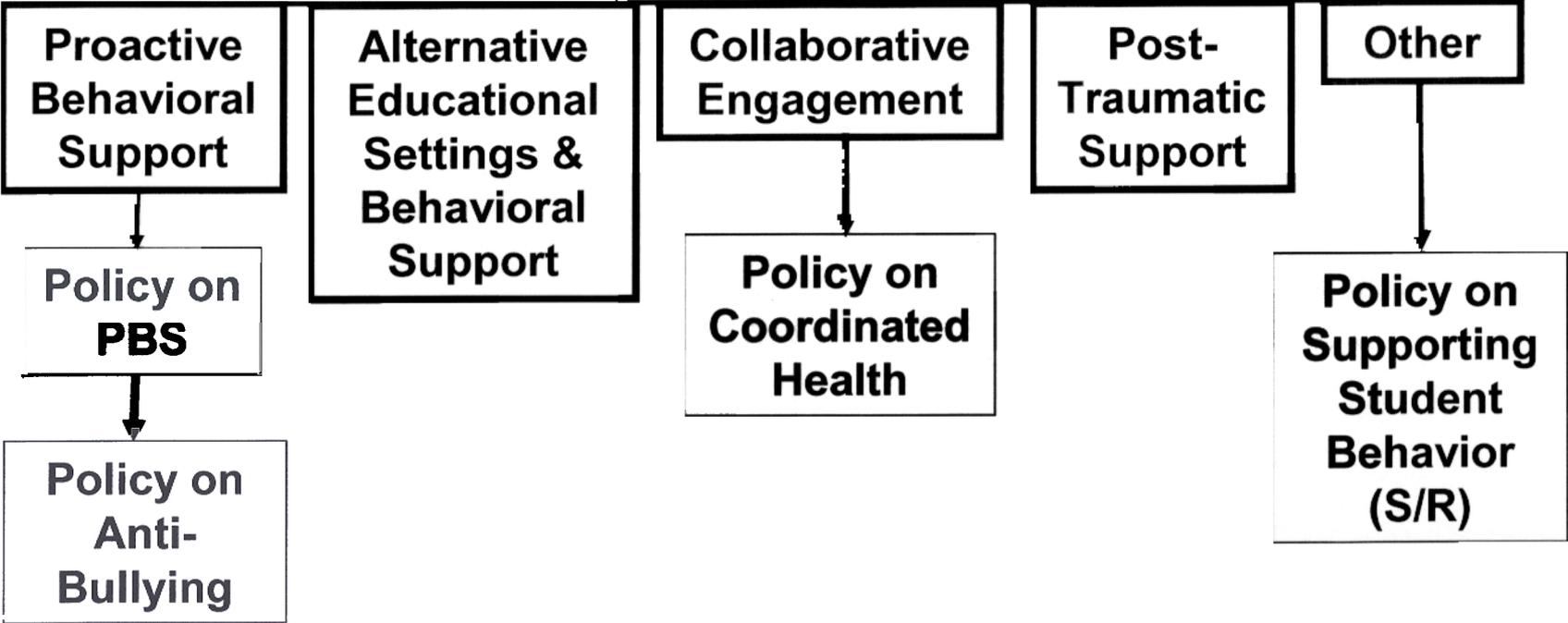
The Michigan Department of Education is investigating the applicability of State Board of Education policy to students in facilities operated by other state agencies.

After extensive discussion among MDE staff and administrators and consideration of public comment and the three versions of the draft policy (October 2005, March 2006 and October 2006), I recommend that we begin our discussion with consideration of my original recommendation to you, which was the March 2006 version of the draft policy (Attachment A). The March 2006 document addresses the issues described above because it does not prohibit prone restraint but prohibits, instead, "any restraints that negatively impact breathing," which I believe to be a more encompassing prohibition in that it would include any restraint restricting breathing whether the student be prone, seated, or standing. The March document does not eliminate seclusion. It defines seclusion and details the procedures for using seclusion, as well as describing limitations and prohibitions in those procedures.

If the Board members choose, instead, to begin the discussion with the October 2006 version of the draft policy, it is attached (Attachment B) with a note at the beginning of the document clarifying the intent to conform to the state statute on using corporal punishment.

Creating Safe School Environments

State Board Policy on Safe Schools
1 Policy: 4 Areas of Focus



Other Board Policies to be included in MDE Guidance:

Creating Effective Learning Environments and Quality Character Education

**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 |
| II. School-wide Systems of Behavioral Support..... | 8 |
| III. Positive Behavior Support | 8 |
| IV. Training | 10 |
| 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:

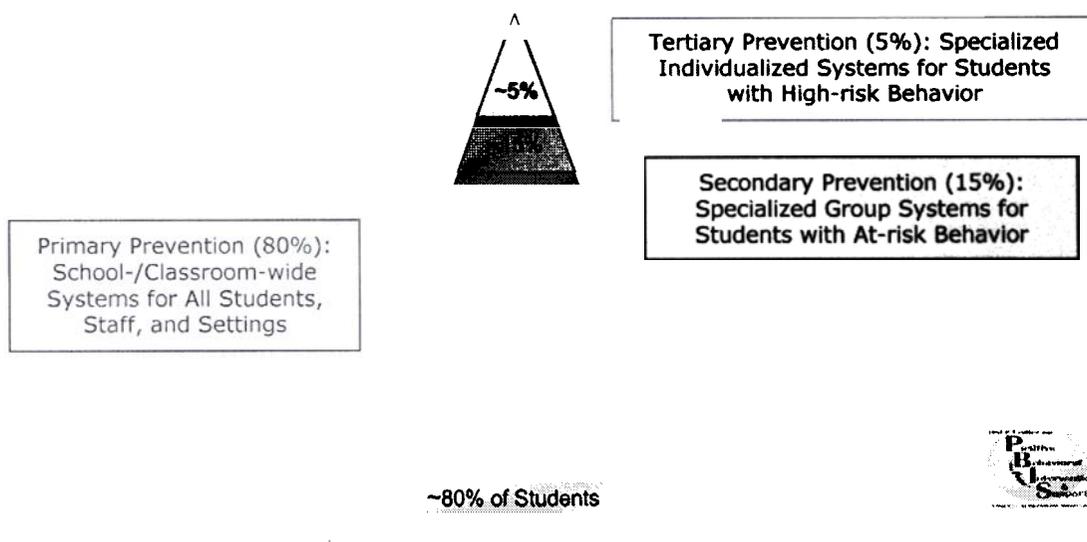
- building relationships;
- creating routines;
- teaching skills/rules/expectations;
- identifying replacement behaviors for behaviors that interfere with learning;
- making problem behavior less effective, efficient, and relevant; and
- making the desired behavior more functional and adaptive.

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, 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. THE USE OF "TIME-OUT" PROCEDURES DURING WHICH A STAFF MEMBER REMAINS ACCESSIBLE TO THE STUDENT SHALL NOT BE CONSIDERED SECLUSION.**

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 "posses 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

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

October 10, 2006

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

TABLE OF CONTENTS

| | <u>PAGE NUMBER</u> |
|---|--------------------|
| I. Introduction | 3 |
| II. School-wide Systems of Behavioral Support | 4 |
| III. Positive Behavior Support | 4 |
| IV. Training | 7 |
| V. Seclusion | 7 |
| VI. Restraint | 10 |
| Appendix A (Section 380.1312 School Code)..... | 14 |

New language appears in bold print. Strike outs indicate language to be removed.

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

Note: Nothing in this policy is intended to conflict with or limit the use of the "reasonable physical force" permitted in Act 451 of 1976, Section 1312(4), otherwise known as the Corporal Punishment Act.

I. Introduction

Michigan citizens are concerned about the use of seclusion and restraint in Michigan's public schools. Acting on this concern, Michigan's 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 Area Intermediate School District were also available as reference materials. 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 in **October 2005** and **again in March 2006**, 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~~ **physical interventions** should only be used in an emergency and requires 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 p~~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~~ **physical restraint** ~~are is~~ 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:

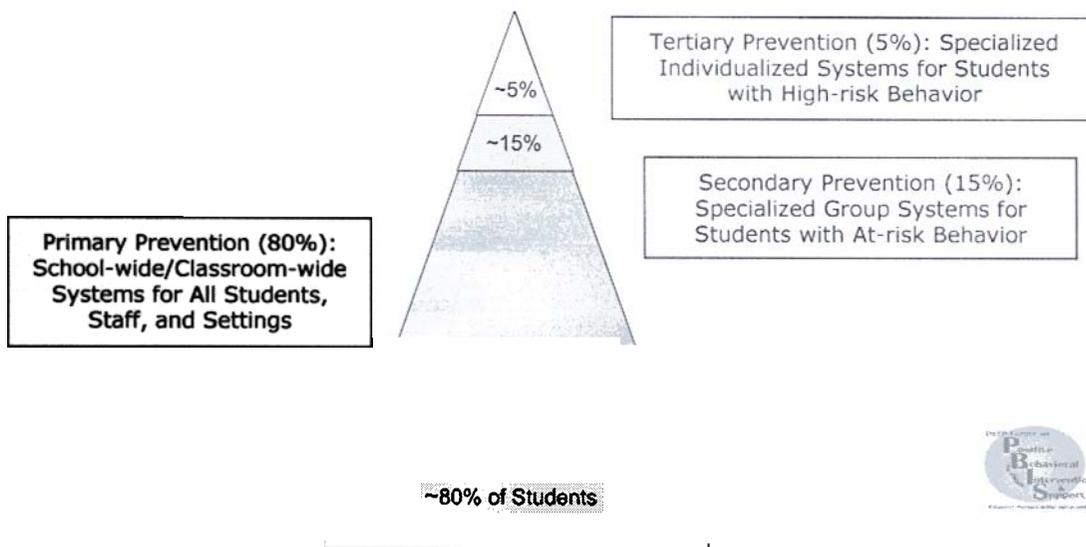
- building relationships;
- creating routines;
- teaching skills/rules/expectations;
- identifying replacement behaviors for behaviors that interfere with learning;
- making problem behavior less effective, efficient, and relevant; and
- making the desired behavior more functional and adaptive.

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~~ is 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, 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.~~ **On September 12, 2006, the SBE adopted the following policy:**

POSITIVE BEHAVIOR SUPPORT POLICY

The vision of the State Board of Education is to create learning environments that prepare students to be successful citizens in the 21st Century. The educational community must provide a system that will support students' efforts to manage their own behavior and assure academic achievement. An effective behavior support system is a proactive, positive, skill-building approach for the teaching and learning of successful student behavior. Positive behavior support systems ensure effective strategies that promote pro-social behavior and respectful learning environments. Research-based positive behavior support systems are appropriate for all students, regardless of age.

The principles of Universal Education reflect the beliefs that each person deserves and needs a positive, concerned, accepting educational community that values diversity and provides a comprehensive system of individual supports from birth to adulthood. A positive behavior support policy incorporates the demonstration and teaching of positive, proactive social behaviors throughout the school environment.

A positive behavior support system is a data-based effort that concentrates on adjusting the system that supports the student. Such a system is implemented by collaborative, school-based teams using person-centered planning. School-wide expectations for behavior are clearly stated, widely promoted, and frequently referenced. Both individual and school-wide learning and behavior problems are assessed comprehensively. Functional assessment of learning and behavior challenges is linked to an intervention that focuses on skill building. The effectiveness of the selected intervention is evaluated and reviewed, leading to data-based revisions. Positive interventions that support adaptive and pro-social behavior and build on the strengths of the student lead to an improved learning environment. Students are offered a continuum of methods that help them learn and maintain appropriate behavior and discourage violation of codes of student conduct.

In keeping with this vision, it is the policy of the State Board of Education that each school district in Michigan implement a system of school-wide positive behavior support strategies.

Adopted September 12, 2006

IV. Training

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~~ **physical** restraint. Personnel should also be trained in techniques to identify student 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~~ **physical** restraint is warranted; types of ~~seclusion,~~ **physical** restraint; and related safety considerations, including information regarding the increased risk of injury to students and staff when ~~seclusion or~~ **physical** restraint is used; and, the risk of using ~~seclusion and~~ **physical** 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~~ **physical** restraint and the effects of ~~seclusion and~~ **physical** restraint on students, including how to monitor the physical signs of distress and how to obtain medical assistance.

Before using ~~seclusion or~~ **physical** restraint with students, personnel must demonstrate competence in ~~seclusion and~~ **physical** 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 use of seclusion is prohibited.

G. 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.~~
3. ~~Staff shall immediately call for help from within the building at the onset of an emergency (V.C.5.a.).~~
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. ~~it should 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~~ **three** types of restraint: physical, **chemical**, 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. **Chemical restraint is the administration of medication for the purpose of restraint.**
2. 3. **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

1. A behavior that requires immediate intervention constitutes an emergency. **Physical Restraint** must only be used under emergency situations and if essential. An emergency that may require the use of physical restraint includes behavior that:
 - a. poses an imminent risk to the safety of an individual student;
 - b. poses an imminent risk to the safety of others; or
 - c. is otherwise governed by The Revised School Code, 1976 PA 451.
2. **The use of chemical restraint is prohibited.**
3. **The use of mechanical restraint is prohibited.**

C. General Procedures for Physical Restraint

1. An emergency physical restraint procedure may not be used in place of appropriate less restrictive interventions.
2. Emergency physical 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.
3. Staff shall immediately call for help from within the building at the onset of an emergency.
4. **Physical 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 **physical** 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 **physical** 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 **a physical** 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~~ **must** 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 **physical** 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 **physical** 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 **physical** restraint, the school personnel **should must** conduct a functional behavioral assessment and, if appropriate, develop or revise a **PBSP positive behavior support plan**. ~~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 9. The school district shall develop a system of data collection regarding **physical** 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. **Physical R**estraint shall not be used for:
 - a. **F**or 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

1. The following ~~procedures~~ are prohibited under all circumstances, including emergency situations:
 - a. mechanical restraint;
 - b. chemical restraint;**
 - c. prone restraint;**
 - ~~b~~ **d.** corporal punishment as defined in §380.1312 of The Revised School Code, 1976 PA 451;
 - e **e.** the deprivation of basic needs;
 - d. **f.** anything constituting child abuse;
 - e. **g.** any **physical** restraint that negatively impacts breathing; and
 - f **h.** the intentional application of any ~~noxious~~ substance(s) or ~~stimulus~~ which results in ~~physical~~ pain or extreme discomfort. A ~~noxious~~ substance or ~~stimulus~~ 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