



Donna Jones, President
Dawn Bentley, Past President
Eric Hoppstock President-Elect
Andrew Claes, Vice President
503 Mall Court, Suite 322
Lansing, MI 48912
517-410-7065

TO: Nat Forstner, Chief of Staff to Lieutenant Governor Brian Calley
FROM: Michigan Association of Administrators of Special Education (MAASE)
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As we have shared, Michigan Association of Administrators of Special Education (MAASE) places the safety, well-being, and the dignity of the children we serve first and foremost. We appreciate the goal of this legislation and wholeheartedly support the idea of utilizing seclusion and restraint in emergency situations only, once all other options are exhausted. We further believe there is language in this legislation that could be improved to provide clarity for those who will ultimately implement it. As educators in the field, we offer our suggestions based on regular contact and extensive experience with children and young adults with significant behavioral challenges.

Current Needs/Recommendation

MAASE strongly urges targeted language revisions to HB 5413, HB 5414, HB 5415, HB 5416, and HB 5417 as an essential first step in legislation to improve the well-being of all Michigan students.

1. **HB 5413:** Page 2, lines 2-4 - Recommend revising language to streamline data collection and reporting as follows: “The debriefing and consultation **shall follow guidelines and standards developed by the Michigan Department of Education and shall be documented on a form developed by the Michigan Department of Education.**”
 - a. The specific questions should be removed from the language, as they are overly prescriptive and not individualized. Strike lines 5-9.

2. **HB 5414:** Page 2, strike lines 17-27. Replace it with: **“The Michigan Department of Education shall establish a Statewide Restraint and Seclusion Advisory Committee comprised of key stakeholders. This committee shall meet annually to examine current guidance, practice, and available implementation data to make recommendations to the State Board of Education, as needed.”**

3. **HB 5415:** Recommend referencing data districts already submit annually:
 - a. Page 2, strike lines 13-14. This information is available in the **CEPI Registry of Education Personnel (REP) reporting:** staff credential, credential type, assignment, and high education level are required. This will reduce the need to develop additional data keeping and reporting systems.
 - b. Page 2, strike lines 15-17. This information is available in the **Civil Rights Data Collection:** Districts currently report the incidents of seclusion and restraint by race, grade, gender, and disability status.

4. **HB 5416:** Page 1, strike lines 5-9 after “training for”, insert **“school personnel.”**

5. **HB 5417:** Replace the use of **Usual Teaching Environment.** Page 3, line 4 after “or any other room”, strike “usual teaching environment” and insert “other than a classroom, hallway, lunchroom, gymnasium, administrative offices, or other room that is regularly used or accessed to teach and/or support pro-social behavior. The space used must be clean, safe, and sanitary, and must provide for continuous visual and auditory monitoring of the student’s behavior by an adult.” Page 6, strike lines 20-22. The reasons behind this recommendation are:
 - a. Narrowing the locations where seclusion may be used is problematic. The legislation prohibits seclusion and then describes a practice that constitutes seclusion, but which can only occur in environments that are inherently dangerous for a student whose behavior is an imminent risk to his/her own safety or that of others. Seclusion rooms, when utilized correctly, are designed to provide for maximum student safety, dignity, and wellbeing.
 - b. To perform emergency seclusion or restraint in what is referred to as the “usual teaching environment” would, in most cases, increase the risk to the safety of the student, classmates, and staff. This will lead to disruptions in the educational learning of all students.

c. We encourage further dialogue on this issue. Additionally we urge consideration of the unique nature of center based programs and buildings.

6. **HB 5417:** Page 5, strike lines 7-17, replace with **“a schoolwide systems approach for establishing the social culture and behavior supports needed for schools to be effective learning environments for all students. The evidence-based features of schoolwide PBIS focus on prevention and define and teach positive social expectations, acknowledge positive behavior, arrange consistent consequences for problem behavior, and collect and use data regularly for decision-making purposes.”**