

Seclusion and Restraint
Summary of Public Acts 394-402 of 2016 (380.1307 to 1307h)

Section	Summary
380.1307	<p>Intent of Public Acts regarding the use of Seclusion & Restraint 380.1307 to 1307h.</p> <ul style="list-style-type: none"> a) Promote care, safety, welfare, & security of school community & dignity of each pupil. b) Encourage proactive, effective strategies to reduce occurrence of challenging behaviors and eliminate use of seclusion & restraint. c) Ensure seclusion & restraint used only as last resort. d) Clearly define terms and state procedures for use of seclusion & restraint.
Sec. 1307a	<p>By December 1, 2016 the department shall develop state policy relative to 1307b to 1307h, along with guidelines. Not later than beginning 2017-18 board of school district, ISD, public school academy shall adopt and implement local policy consistent with state policy.</p>
Sec. 1307b	<p>Prohibited practices for school personnel under all circumstances.</p>
Sec. 1307c	<p>State policy on use of emergency seclusion & emergency restraint shall include:</p> <ul style="list-style-type: none"> a. May only be used in emergency situations and only for safety of pupil or another. b. May not be used in place of appropriate less restrictive interventions. c. Performed in manner that is based on research & evidence, is safe, appropriate, and proportionate to and sensitive to pupil considerations. d. Call for key identified personnel for immediate help or if high risk of safety, as soon as possible. e. Substitute teacher must be informed and understand procedures for use. Online documentation acceptable. f. Emergency seclusion should not be used any longer than necessary. Generally, 15 minutes for elementary and 20 minutes for secondary. If longer, requires additional support and documentation of why longer. g. Emergency restraint should not be used longer than necessary. Generally, 10 minutes. If longer, requires additional support and documentation of why longer. h. When using emergency seclusion & restraint must: involve identified key personnel, continually observe, document observations, ensure that restraint does not interfere with mode of communication, and ensure that personnel are available who can communicate with child using primary mode of communication.

Sec. 1307d	<p>State policy concerning documentation and reporting:</p> <ol style="list-style-type: none"> a. Written documentation of each use and reason used. Reported to building administrator & parent/guardian. Written report provided to parent within 1 school day but not later than 7 calendar days. b. Debrief and consult with parents and determine future actions. Dept. to develop guidelines and forms. c. If pupil exhibits a pattern of behavior that could result in future use, school personnel are encouraged to: <ul style="list-style-type: none"> • Conduct functional behavior assessment. • Develop or revise a positive behavior intervention plan to facilitate the elimination of the use of seclusion & restraint. • Develop an assessment and planning process by a team to implement positive behavioral intervention and support plan.
Sec. 1307e	<p>State policy regarding development and implementation of an emergency intervention plan:</p> <ol style="list-style-type: none"> a. If pupil exhibits a pattern of behavior that has likelihood of using emergency seclusion and restraint school personnel should develop a written emergency intervention plan: (Team members – parent, teacher, individual knowledgeable about legal use of seclusion & restraint, and individual knowledgeable about use of positive intervention & support to eliminate use of seclusion and restraint) b. Plan steps: <ul style="list-style-type: none"> • Detail emergency intervention procedures • Detail legal limits on use of seclusion & restraint, including examples • Make medical inquiry • Conduct a peer review by knowledgeable school personnel c. Written/Oral summary to parent/guardian: <ul style="list-style-type: none"> • Detailed explanation of positive behavioral intervention and support strategies that will be used. • Explanation of what constitutes an emergency situation as defined in section 1307h, including permissible and non-permissible. • Detail explanation of intervention procedures to follow in emergency situation. • Detail explanation of legal limits in use of emergency seclusion and restraint, including permissible and non-permissible use. • Description of possible discomforts or risks. • Answers to any questions. d. Pupil should be told or shown circumstances for potential use. e. Must only be used for ongoing emergency and not as a planned response.
Sec. 1307f	<p>State policy on data collection:</p> <ol style="list-style-type: none"> a. Shall report use and shall use existing data collection and reporting systems whenever possible. Report by race, age, grade, gender, disability status, medical condition, identify personnel initiating, and identity of school where occurred. b. Requirements relative to collected data: <ul style="list-style-type: none"> • Analysis by school, district or ISD to determine efficacy of school-wide system of behavioral support. • Analysis by school, district, or ISD in context of attendance,

	<p>suspension, expulsion, and dropout data.</p> <ul style="list-style-type: none"> • Analysis for purpose of continuous improvement of training and technical assistance toward elimination of seclusion and restraint. • Analysis on schedule determined by department. <p>c. Department shall make available data on use of seclusion and restraint</p>
Sec. 1307g	<p>State policy on training:</p> <ol style="list-style-type: none"> a. Comprehensive training framework that includes awareness training for those with regular contact with pupils and comprehensive training for key identified individuals. b. School district to identify key individuals that are trained and generally available for emergency situations. Must be trained in all elements: <ul style="list-style-type: none"> • Proactive practices • De-escalation techniques • Techniques to identify triggers • Safety considerations, information regarding risk of use • Instruction in use of seclusion and restraint • Identification of events and environments that trigger emergency situations • Instruction in state policy • Description and identification of dangerous behaviors • Methods for evaluating risk • Types of seclusion • Types of restraint • Risk of use in light of known and unknown physical, mental, or health conditions or psychological limitations • Effect of use on pupils • How to monitor and identify signs of distress • How to obtain appropriate medical assistance • CPR and First Aid • Conflict resolution • Mediation • Social Skills training • Positive behavioral intervention and support strategies
Sec. 1307h	Definition of terms as used in sections 1307 to 1307h.