

Seclusion & Restraint

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A Brief History

MDE Standards for Policy and Procedure Development in the Use of Behavioral Interventions, 1993

Standards for special education programs only

“Voluntary conformity”

Behavioral intervention includes:

- Teaching & acquisition programming
- Maintenance & generalization programming
- Reduction programming

Introduced functional analysis as part of the procedure

Written plans developed by teams including parents

Informed consent

- BIPs involving restrictive procedures require written informed consent from parents/guardians

1993 MDE Policy Limitations on interventions

Unlawful:

- Deliberate infliction of physical pain
- Confinement of a student in a secured area in any manner which would prevent a student from exiting the area should staff become incapacitated or leave that area
- Denial of basic human needs e.g., water, lavatory access

Considered inappropriate for a school setting:

- Electric shock
- Noxious substances

2003

Two Michigan students died in school while in prone restraint.

MDE convened 50+ member state-wide referent group to update the state policy on seclusion and restraint.

(2006) Michigan State Board of Education Policy on Positive Behavior Support

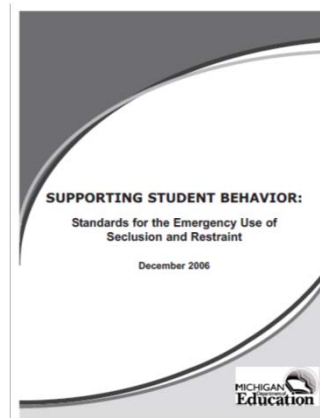
“It is the policy of the State Board of Education that each school district in Michigan implement a system of school-wide positive behavior support strategies.”

http://www.resa.net/downloads/positive_behavior/positivebehaviorsupportpolicy_172347_7_2_0110713_131855_4.pdf

Michigan Department of Education Policy Document Governing Seclusion & Restraint

- (2006) MDE
Supporting Student Behavior:
Standards for the Emergency
Use of Seclusion and Restraint

- Prohibited Prone Restraint



Seclusion & Restraint, 2017 Revised School Code 380.1307a-h

Not later than the beginning of the 2017-18 school year, the board of a school district, ISD, or PSA shall adopt and implement a local policy that is consistent with the state policy under this section.

Key Definitions

“**Emergency situation**” means a situation in which a pupil’s behavior poses an *imminent risk* to the safety of the individual pupil or to the safety of others. An emergency situation requires an immediate intervention.

Mechanical Restraint

Mechanical Restraint means the use of any device, article, garment, or material attached to or adjacent to a student's body that restricts freedom of movement and that cannot be easily removed by the student.

Prohibited Practice

Mechanical Restraint does not include:

- An adaptive or protective device recommended by a physician or therapist (when used as recommended)
- Safety equipment used by the general student population (e.g., seat belts, safety harness on school transportation)

Emergency Physical Restraint

"Restraint" means an action that prevents or significantly restricts a pupil's movement.

Restraint does not include:

The brief holding of a pupil in order to calm or comfort,

The minimum contact necessary to physically escort a pupil from one area to another,

The minimum contact necessary to assist a pupil in completing a task or response if the pupil does not resist or resistance is minimal in intensity or duration,

Or the holding of a pupil for a brief time in order to prevent an impulsive behavior that threatens the pupil's immediate safety, such as running in front of a car.

Restraint does not include the administration of medication prescribed by and administered in accordance with the directions of a physician, an adaptive device or protective device recommended by a physician or therapist when it is used as recommended, or safety equipment used by the general pupil population as intended, such as a seat belt or safety harness on school transportation.

Restraint does not include necessary actions taken:

- to break up a fight,
- to stop a physical assault, as defined in section 1310 ("Physical assault" means intentionally causing or attempting to cause physical harm to another through force or violence.)
- or to take a weapon from a pupil.

Restraint does not include actions that are an integral part of a sporting event, such as a referee pulling football players off of a pile or a similar action.

Prohibited Restraints

“Prone restraint” means the restraint of an individual facedown.

“Restraint that negatively impacts breathing” means any restraint that inhibits breathing, including floor restraints, facedown position, or any position in which an individual is bent over in such a way that it is difficult to breathe. This includes a seated or kneeling position in which an individual being restrained is bent over at the waist and restraint that involves sitting or lying across an individual’s back or stomach.

Physical Restraint, other than emergency physical restraint.

Any other type of restraint.

Seclusion Definition

“Seclusion” means the confinement of a pupil in a room or other space from which the pupil is ***physically prevented from leaving***.

- Seclusion does not include the general confinement of pupils if that confinement is an integral part of an emergency lockdown drill required under section 19(5) of the fire prevention code or of another emergency security procedure that is necessary to protect the safety of pupils.

Emergency Seclusion

“Emergency seclusion” means a last resort safety intervention involving seclusion that is necessitated by an ongoing emergency situation and that provides an opportunity for the pupil to regain self-control while maintaining the safety of the pupil and others. To qualify as ES there must be:

Continuous observation by school personnel of the pupil in seclusion,

The room or area used for confinement must comply with state and local fire and building codes;

Must not be locked;

Must not prevent the pupil from exiting the area if school personnel become incapacitated or leave that area;

And must provide for adequate space, lighting, ventilation, viewing, and the safety and dignity of the pupil and others, in accordance with department guidelines.

ES does not include:

the confinement of preschool children or of pupils who are severely self-injurious or suicidal;

Seclusion that is used for the convenience of school personnel;

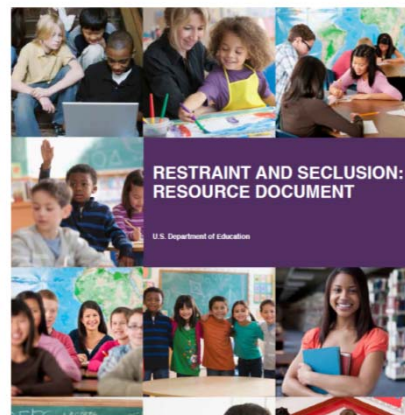
As a substitute for an educational program;

As a form of discipline or punishment;

2012 U.S. Dept. of Education Restraint and Seclusion Resource Document

Seclusion: The involuntary confinement of a student *alone* in a room or area from which the student is physically prevented from leaving.

OCR definition of seclusion



Latch for Seclusion Rooms



Latch bolt is thrown only when handle is activated and held.

“Must not prevent the pupil from exiting the area if school personnel become incapacitated or leave that area”

Seclusion/Restraint General Procedures

Should be proportionate to:

- The severity of the behavior
- Chronological and developmental age
- Gender
- Physical condition
- Medical condition
- Psychiatric condition
- Personal history, including any history of physical or sexual abuse

Staff shall get help immediately

Substitute teachers should be informed of emergency procedures

Seclusion/Restraint Time & Duration

Should not be used any longer than necessary to allow the student to regain control of his/her behavior.

Seclusion - generally, no longer than 15 minutes for elementary age students

Seclusion - generally, no longer than 20 minutes for middle and high school age

Restraint – generally, no longer than 10 minutes

If seclusion/restraint lasts longer than suggested timeline:

- Get additional staff support
- Documentation to explain the extension

Seclusion/Restraint Documentation

Each use of seclusion or restraint and the reason for each use shall be reported:

- **in writing or orally to the school building administration and the pupil's parent or guardian immediately,**
- **and documented in a written report, including multiple uses within a given day, and provided to the parent or guardian within the earlier of 1 school day or 7 calendar days.**

Seclusion/Restraint Debrief

After any use of seclusion/restraint staff must debrief and consult with parents and student (as appropriate).

Questions include:

- What precipitated the behavior
- Do we anticipate the behavior may occur again
- Need for follow-up action?

Reoccurring Behavior FBA/BSP

If a pupil exhibits a pattern of behavior that poses a substantial risk of creating an emergency situation in the future that could result in the use of ES or EPR, school personnel are encouraged to do all of the following:

- Conduct a functional behavior assessment.
- Develop or revise a positive behavioral support plan to facilitate the elimination of the use of seclusion or restraint.
- Develop an assessment and planning process conducted by a team knowledgeable about the pupil, including at least the parent or guardian; the pupil, if appropriate; the individuals responsible for implementation of the PBIS plan; and individuals knowledgeable in PBIS.

Reoccurring Behavior Emergency Intervention Plan

Should be developed in partnership with the parent

Should describe in detail the emergency intervention procedures

Inquire of the student's physician (with parent consent) regarding any known medical or health contraindications for the use of seclusion

Peer review

Discuss the plan with the student

Periodic review of the plan and data

Ensure staff training in specific techniques described in the plan