

Awareness Training: Emergency Seclusion and Emergency Restraint

MACOMB INTERMEDIATE SCHOOL DISTRICT
MAY 11, 2017

Rationale For Training

- ▶ In December of 2016 the State of Michigan adopted new laws restricting the use of seclusion and restraint in schools for the purposes of:
 - ▶ Promoting the care, safety, welfare and security of the school community and the dignity of each pupil
 - ▶ Encouraging proactive, effective, evidence and research based strategies and best practices to reduce the occurrence of challenging behaviors, eliminate the use of seclusion and restraint and increase meaningful instructional time for all pupils
 - ▶ Ensure that seclusion and physical restraint are used only as a last resort in an emergency situation and are subject to diligent assessment, monitoring, documentation and reporting by trained personnel
 - ▶ Clearly defining the terms "seclusion", "restraint", "emergency seclusion" and "emergency physical restraint and clearly state the procedures for the use of emergency seclusion and emergency physical restraint

Training Mandates

- ▶ Awareness training for **ALL SCHOOL PERSONNEL** who have regular contact with pupils including substitute teachers
- ▶ Comprehensive training for **KEY IDENTIFIED PERSONNEL**

Policy and Guidelines

- ▶ Boards must adopt local policy on emergency seclusion and restraint use (consistent with MDE's policy) by the start of 2017-2018 school year.

Purposes of Emergency Restraint and Emergency Seclusion Legislation

- ▶ Ensure those techniques are used only as a last resort
- ▶ Promote use of positive behavioral intervention strategies while eliminating use of restraint and seclusion
- ▶ Promote pupil dignity, safety, and well-being

Structure of Emergency Restraint and Seclusion Legislation

- ▶ Prohibitions
- ▶ Policy
- ▶ Documentation and Communication

Adds Revised School Code Sections 1307-1307h

Absolute Prohibitions

- ▶ Everything that's already prohibited by law
- ▶ All restraints, other than "emergency physical restraints"
 - ▶ Mechanical
 - ▶ Chemical
 - ▶ Prone Restraints / limits breathing
 - ▶ All Others
- ▶ All seclusion, other than "emergency seclusion"

Corporal Punishment Prohibition

MCL 380.1312

- ▶ Prohibits discipline by deliberate infliction of physical pain.
- ▶ Excepts pain from reasonable athletic training activities. ("running laps")

Emergency Seclusion Defined

- ▶ Confinement in a room or other space from which the pupil is physically prevented from leaving
- ▶ Only intended for the purposes of emergency situations in which a pupil's behavior poses imminent risk to the safety of the pupil or others
- ▶ Does not include:
 - ▶ Emergency lockdown drills
 - ▶ Other emergency security procedures necessary for pupil safety

Emergency Physical Restraint Defined

- ▶ An action that involves direct physical contact that prevents or significantly restricts student movement
- ▶ Only intended for the purposes of emergency situations in which a pupil's behavior poses imminent risk to the safety of the pupil or others
- ▶ May not be used in place of appropriate less restrictive interventions
- ▶ Does not include:
 - ▶ Brief holding for purposes of calming or comforting
 - ▶ Minimum necessary contact to escort or assist with task
 - ▶ Prevention of dangerous impulsive behavior

Reasonable Physical Force Permitted:

- ▶ To maintain order
- ▶ Break up a fight or physical assault
- ▶ To prevent physical harm to self or others
- ▶ To obtain possession of weapon or dangerous objects
- ▶ To protect property

Limitations of "Emergency" Restraint and Seclusion

- ▶ Last resort safety interventions
- ▶ Cannot be used as a convenience
- ▶ Cannot be used if less restrictive alternatives exist

Limitations of “Emergency” Restraint and Seclusion, cont.

- ▶ Cannot be used as a substitute for “adequate” staffing
- ▶ Cannot be used if contraindicated medically or “based on” student’s disability, per records available to school

Guidelines for “Emergency” Restraint and Seclusion

- ▶ Only for use when safety of individuals threatened
 - ▶ Must be an “essential” action
- ▶ Restraints generally may not be imposed for more than 10 minutes
- ▶ Seclusion generally not longer than 15 minutes for elementary students; 20 minutes for middle and high school students

Guidelines for “Emergency” Restraint and Seclusion, cont.

Must always:

- ▶ Involve “key personnel” to protect student interests
- ▶ Continually monitor the student
- ▶ To extent practicable, ensure student can communicate or have personnel available that can communicate with the student using appropriate assistive devices
- ▶ Document observations

Guidelines for “Emergency” Restraint and Seclusion, cont.

If statutory time limits are exceeded, must:

- ▶ Bring in additional support staff
- ▶ Produce documentation explaining why time limits exceeded

Communication of Seclusion or Restraint

- ▶ Immediately orally report to building administration and parent/guardian
- ▶ Reasonably attempt further debriefing and consultation with parent/guardian
- ▶ Provide documentation to parent/guardian within the earlier of 1 school day or 7 calendar days

Follow-Up Procedures

If student poses a "substantial risk" of causing a future emergency, school personnel are "encouraged" to:

- ▶ Conduct a functional behavioral assessment
- ▶ Create an individual positive behavioral intervention and support plan
- ▶ Create a team to implement the behavioral plan

Follow-Up Procedures, cont.

Emergency intervention plan encouraged:

- ▶ Describe procedures and legal limits on their use
 - ▶ Include all known medical data in determination
 - ▶ Have the procedures peer reviewed
 - ▶ Communication in detail, orally and in writing, with parents
 - ▶ Create a team to do the above

Reporting Requirements

Report to building administrator immediately

Report to parent immediately

Document report in writing

Provide written report to parent within 1 school day or 7 calendar days, whichever is earlier

MCL 380.1307d(a)

Data Collection and Reporting



- ▶ Data related to the use of restraint and seclusion shall be collected and reported from the school district, public school academy or intermediate school district in which the pupil is enrolled.
- ▶ Data shall, at a minimum, be reported by:
 - ▶ Race
 - ▶ Age
 - ▶ Grade
 - ▶ Gender
 - ▶ Disability status
 - ▶ Medical condition
 - ▶ Identity of the school personnel initiating use of restraint and seclusion
 - ▶ Identity of the school or program where the use occurred