

Student Seclusion and Restraint

This policy is intended to provide the framework for organizational supports that result in effective interventions based on team-based leadership, data-based decision-making continuous monitoring of student behavior, regular universal screening and effective on-going professional development. The District is committed to investing in prevention efforts and to teach, practice and reinforce behaviors that result in positive academic and social outcomes for students.

In the event that staff members need to restrain and/or seclude students, it must be done in accordance with this policy, which is intended to:

- Promote the care, safety, welfare and security of the school community and the dignity of each student;
- Encourage the use of 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 students; and
- Ensure that seclusion and 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.

In furtherance of these objectives, the District will utilize Positive Behavioral Interventions and Supports (PBIS) to enhance academic and social behavior outcomes for all students. PBIS implemented by the District will include socially valued and measurable outcomes, empirically validated and practical practices, systems that efficiently and effectively support implementation of these practices and continuous collection and use of data for decision-making.

A glossary of terms as defined by state law is provided within this policy, including but not limited to the terms, “seclusion”, “restraint”, “emergency seclusion”, and “emergency physical restraint”.

PROHIBITED PRACTICES

A. The following practices are prohibited under all circumstances, including emergency situation:

1. Corporal punishment as defined in MCL 380.1312(1).
2. The deprivation of basic needs.
3. Child abuse.
4. Seclusion, other than emergency seclusion.

5. The intentional application of any noxious substance or stimulus that results in physical pain or extreme discomfort. A noxious substance or stimulus is prohibited whether it is generally acknowledged or is specific to the pupil.
6. Mechanical restraint.
7. Chemical restraint.
8. Any restraint that negatively impacts breathing.
9. Prone restraint.
10. Physical restraint, other than emergency physical restraint.
11. Any other type of restraint.

B. Emergency seclusion or emergency physical restraint must only be used in response to an ongoing emergency situation and not as a planned response for the convenience of school personnel, as discipline or punishment, or as a substitute for an appropriate educational program.

USE OF EMERGENCY SECLUSION AND EMERGENCY PHYSICAL RESTRAINT

A. When to Use Emergency Seclusion/Restraint

Seclusion/restraint must be used only under emergency situations and if essential. Emergency situation means a situation in which a student's behavior poses imminent risk to the safety of the individual student or to the safety of others. An emergency situation requires an immediate intervention.

B. General procedures for Emergency Seclusion/Restraint:

1. An emergency seclusion/restraint may not be used in place of appropriate, less restrictive interventions.
2. Emergency seclusion/restraint shall be performed in a manner that is:
 - a. safe;
 - b. appropriate, and
 - c. proportionate to and sensitive to the student's:
 - 1) severity of behavior;
 - 2) chronological and developmental age;
 - 3) physical size;
 - 4) gender;
 - 5) physical condition;
 - 6) medication condition;
 - 7) psychiatric condition; and
 - 8) personal history, including any history of physical or sexual abuse or other trauma.

3. School personnel shall call key identified personnel for help from within the school building either immediately at the onset of an emergency situation or, (if it is reasonable under the particular circumstances for school personnel to believe that diverting their attention to calling for help would increase the risk to the safety of the student or the safety of others) as soon as possible once the circumstances no longer support imminent risk.

4. While using emergency seclusion/restraint, staff must do all of the following:

- a. involve key identified personnel to protect the care, welfare, dignity and safety of the student
- b. continually observe the student in emergency seclusion for indications of physical distress and seek medical assistance if there is a concern
- c. document observations
- e. ensure to the extent practicable, in light of the ongoing emergency situation, that the emergency seclusion/restraint does not interfere with the student's ability to communicate using the student's primary mode of communication

5. Each use of an emergency seclusion/restraint and the reason for each use shall be documented and reported according to the following procedures:

- a. document in writing and report in writing or orally to the building administration immediately
- b. report in writing or orally to the parent or guardian immediately
- c. a report shall be written for each use of seclusion/restraint (including multiple uses within a given day) and the written report(s) provided to the parent or guardian within the earlier of one (1) school day or seven (7) calendar days.

6. Emergency seclusion/restraint should not be used any longer than necessary, based on research and evidence, to allow a student to regain control of his or her behavior to the point that the emergency physical restraint is ended.

- a. for emergency seclusion, the time limit is generally no longer than 15 minutes for an elementary school pupil or 20 minutes for a middle school or high school student.
- b. for emergency physical restraint, the time limit is generally no longer than 10 minutes.
- c. If an emergency seclusion/restraint lasts longer than time limits, all of the following are required:

- 1) additional support, which may include a change of staff, or introducing a nurse, specialist, or additional key identified personnel;
- 2) documentation to explain the extension beyond the time limit.

7. After any use of an emergency seclusion/restraint, staff must make reasonable efforts to debrief and consult with the parent or guardian, or the parent or guardian and the student (as appropriate) regarding the determination of future actions.

8. Substitute teachers must be informed of and understand the procedures regarding the use of emergency seclusion and emergency restraint.

C. Students Exhibiting a Pattern Behavior

1. If a student 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 emergency seclusion or emergency physical restraint, school personnel, consistent with MCL 380.1307 and the Michigan State Board of Education Policy for the Emergency Use of sEclusion and Restraint (State Policy), are encouraged to do the following:
 - a. Conduct a functional behavior assessment;
 - b. Develop/revise a PBIS plan to facilitate the reduction or elimination of the use of seclusion/restraint; and/or
 - c. Develop/revise and implement a written Emergency Intervention Plan (EIP) or other intervention strategies.

2. The development of an EIP or other intervention strategies shall be solely for the purpose of protecting the health, safety and dignity of emergency seclusion or emergency physical restraint.

D. Data Collection and Reporting

The District shall collect and report data on and related to the use of restraint and seclusion. In collecting and reporting this data, the District shall use existing data collection and reporting systems whenever possible. Incidents shall be reported to the Michigan Department of Education (MDE), if and as required by the MDE. Incidents shall at a minimum be reported by race, age, grade, gender, disability status, identity of school personnel initiating the use of the restraint or seclusion, and identity of the school or program where the use occurred.

The data should:

1. be analyzed to determine the efficacy of the school's school wide system of behavioral support.
2. be analyzed in the context of suspension, expulsion and dropout data.
3. be analyzed for the purposes of continuous improvement of training and technical assistance toward the reduction or elimination of seclusion/restraint.
4. be analyzed on a schedule determined by the MDE.

TRAINING FRAMEWORK

A comprehensive training framework will be implemented which includes the following:

- awareness training for all school personnel who have regular contact with students; and
- comprehensive training for key identified personnel

Comprehensive Training for Key Identified Personnel

A. Each building Administrator will identify sufficient key personnel to ensure that trained personnel are generally available for an emergency situation. Before using emergency seclusion or emergency physical restraint with students, key identified personnel who may have to respond to an emergency situation shall be trained in all of subparagraphs 1 to 16 as follows and should be trained in all of subparagraphs 17 to 20 as follows:

1. proactive practices and strategies that ensure the dignity of students
2. de-escalation techniques
3. techniques to identify pupil behaviors that may trigger emergency situations
4. related safety considerations, including information regarding the increased risk of injury to students and school personnel when seclusion or restraint is used
5. instruction in the use of emergency seclusion and emergency physical restraint
6. identification of events and environmental factors that may trigger emergency situations
7. instruction on the State policy on the use of seclusion and restraint
8. description and identification of dangerous behaviors
9. methods for evaluating the risk of harm to determine whether the use of emergency seclusion or emergency physical restraint is warranted
10. types of seclusion
11. types of restraint
12. the risk of using seclusion or restraint in consideration of a student's known and unknown physical or mental health conditions or psychological limitations
13. the effects of seclusion and restraint on all students
14. how to monitor for and identify the physical signs of distress and the implications for students generally and for students with particular physical or mental health conditions or psychological limitations.
15. how to obtain appropriate medical assistance
16. cardiopulmonary resuscitation and first aid
17. conflict resolution
18. mediation
19. social skills training
20. positive behavioral intervention and support strategies

B. The provisions concerning training, may include online training that is developed or approved by the MDE.

GLOSSARY OF TERMS

“**Chemical restraint**” means the administration of medication for the purpose of restraint.

“**De-escalation techniques**” means evidence-and research-based strategically employed verbal or nonverbal interventions used to reduce the intensity of threatening behavior before, during and after a crisis situation occurs.

“**Documentation**” means documentation developed by the Michigan department of Education that is uniform across the state.

“**Emergency physical restraint**” means a last resort emergency safety intervention involving physical restraint that is necessitated by an ongoing emergency situation and that provides an opportunity for the student to regain self-control while maintaining the safety of the student and others. Emergency physical restraint does not include physical restraint that is used for the convenience of school personnel, as a substitute for an educational program, as a form of discipline or punishment, as a substitute for less restrictive alternatives, as a substitute for adequate staffing, or as a substitute for school personnel training in positive behavioral intervention and support. Emergency physical restraint does not include a practice prohibited under MCL 380.1307b. Emergency physical restraint does not include physical restraint when contraindicated based on a student’s disability, health care needs, or medical or psychiatric condition, as documented in a record or records made available to the school.

“**Emergency seclusion**” means a last resort emergency safety intervention involving seclusion that is necessitated by an ongoing emergency situation and that provides an opportunity for the student to regain self-control while maintaining the safety of the student and others. To qualify as emergency seclusion, there must be continuous observation by school personnel of the pupil in seclusion, and 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. Emergency seclusion 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, as a substitute for less restrictive alternatives, as a substitute for adequate staffing, or as a substitute for school personnel training in positive behavioral intervention and support; or a practice prohibited under section MCL 380.1307b. Emergency seclusion does not include seclusion when contraindicated based on a student’s disability, health

care needs or medical or psychiatric condition, as documented in a record or records made available to the school.

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

“Functional behavioral assessment” means an evidence and research-based systematic process for identifying the events that trigger and maintain problem behavior in an educational setting. A functional behavioral assessment shall describe specific problematic behaviors, report the frequency of the behaviors, assess environmental and other setting conditions where problematic behaviors occur, and identify the factors that are maintaining the behaviors over time.

“Key identified personnel” means those individuals who have received the mandatory training described in MCL 380.1307g(b)(i) to (xvi).

“Mechanical restraint” means the use of any device, article, garment, or material attached to or adjacent to a student’s body to perform restraint.

“Physical restraint” means restraint involving direct physical contact.

“Positive behavioral intervention and support” means a framework to assist school personnel in adopting and organizing evidence-based behavioral interventions into an integrated continuum of intensifying supports based on student need that unites examination of the function of the problem behavior and the teaching of alternative skill repertoires to enhance academic and social behavior outcomes for all students.

“Positive behavioral intervention and support plan” means a student-specific support plan composed of individualized, functional behavioral assessment-based intervention strategies, including, as appropriate to the student, guidance or instruction for the student to use new skills as a replacement for problem behaviors some rearrangement of the antecedent environment so that problems can be prevented and desirable behaviors can be encouraged, and procedures for monitoring, evaluating, and modifying the plan as necessary.

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

“Regularly and continuously work under contract” means that term as defined in MCL 380.1230.

