

SUBSTITUTE FOR
HOUSE BILL NO. 5412

A bill to amend 1976 PA 451, entitled
"The revised school code,"
(MCL 380.1 to 380.1852) by adding section 1307c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 1307C. THE STATE POLICY UNDER SECTION 1307A SHALL INCLUDE
2 AT LEAST ALL OF THE FOLLOWING PROVISIONS CONCERNING USE OF
3 EMERGENCY SECLUSION AND EMERGENCY PHYSICAL RESTRAINT:

4 (A) EMERGENCY SECLUSION AND EMERGENCY PHYSICAL RESTRAINT MAY
5 BE USED ONLY UNDER EMERGENCY SITUATIONS AND ONLY IF ESSENTIAL TO
6 PROVIDING FOR THE SAFETY OF THE PUPIL OR SAFETY OF ANOTHER.

7 (B) EMERGENCY SECLUSION AND EMERGENCY PHYSICAL RESTRAINT MAY
8 NOT BE USED IN PLACE OF APPROPRIATE LESS RESTRICTIVE INTERVENTIONS.

9 (C) EMERGENCY SECLUSION AND EMERGENCY PHYSICAL RESTRAINT SHALL
10 BE PERFORMED IN A MANNER THAT, BASED ON RESEARCH AND EVIDENCE, IS

1 SAFE, APPROPRIATE, AND PROPORTIONATE TO AND SENSITIVE TO THE
2 PUPIL'S SEVERITY OF BEHAVIOR, CHRONOLOGICAL AND DEVELOPMENTAL AGE,
3 PHYSICAL SIZE, GENDER, PHYSICAL CONDITION, MEDICAL CONDITION,
4 PSYCHIATRIC CONDITION, AND PERSONAL HISTORY, INCLUDING ANY HISTORY
5 OF PHYSICAL OR SEXUAL ABUSE OR OTHER TRAUMA.

6 (D) A REQUIREMENT THAT SCHOOL PERSONNEL SHALL CALL KEY
7 IDENTIFIED PERSONNEL FOR HELP FROM WITHIN THE SCHOOL BUILDING
8 EITHER IMMEDIATELY AT THE ONSET OF AN EMERGENCY SITUATION OR, IF IT
9 IS REASONABLE UNDER THE PARTICULAR CIRCUMSTANCES FOR SCHOOL
10 PERSONNEL TO BELIEVE THAT DIVERTING THEIR ATTENTION TO CALLING FOR
11 HELP WOULD INCREASE THE RISK TO THE SAFETY OF THE PUPIL OR TO THE
12 SAFETY OF OTHERS, AS SOON AS POSSIBLE ONCE THE CIRCUMSTANCES NO
13 LONGER SUPPORT SUCH A BELIEF.

14 (E) A REQUIREMENT THAT THE SCHOOL DISTRICT, INTERMEDIATE
15 SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY MUST ENSURE THAT
16 SUBSTITUTE TEACHERS ARE INFORMED OF AND UNDERSTAND THE PROCEDURES
17 REGARDING USE OF EMERGENCY SECLUSION AND EMERGENCY PHYSICAL
18 RESTRAINT. THIS REQUIREMENT MAY BE SATISFIED USING ONLINE TRAINING
19 AND AN ONLINE ACKNOWLEDGMENT OF UNDERSTANDING DEVELOPED OR APPROVED
20 BY THE DEPARTMENT AND COMPLETED BY THE SUBSTITUTE TEACHER.

21 (F) EMERGENCY SECLUSION SHOULD NOT BE USED ANY LONGER THAN
22 NECESSARY, BASED ON RESEARCH AND EVIDENCE, TO ALLOW A PUPIL TO
23 REGAIN CONTROL OF HIS OR HER BEHAVIOR TO THE POINT THAT THE
24 EMERGENCY SITUATION NECESSITATING THE USE OF EMERGENCY SECLUSION IS
25 ENDED AND GENERALLY NO LONGER THAN 15 MINUTES FOR AN ELEMENTARY
26 SCHOOL PUPIL OR 20 MINUTES FOR A MIDDLE SCHOOL OR HIGH SCHOOL
27 PUPIL. IF AN EMERGENCY SECLUSION LASTS LONGER THAN 15 MINUTES FOR

1 AN ELEMENTARY SCHOOL PUPIL OR 20 MINUTES FOR A MIDDLE SCHOOL OR
2 HIGH SCHOOL PUPIL, ALL OF THE FOLLOWING ARE REQUIRED:

3 (i) ADDITIONAL SUPPORT, WHICH MAY INCLUDE A CHANGE OF STAFF, OR
4 INTRODUCING A NURSE, SPECIALIST, OR ADDITIONAL KEY IDENTIFIED
5 PERSONNEL.

6 (ii) DOCUMENTATION TO EXPLAIN THE EXTENSION BEYOND THE TIME
7 LIMIT.

8 (G) EMERGENCY PHYSICAL RESTRAINT SHOULD NOT BE USED ANY LONGER
9 THAN NECESSARY, BASED ON RESEARCH AND EVIDENCE, TO ALLOW A PUPIL TO
10 REGAIN CONTROL OF HIS OR HER BEHAVIOR TO THE POINT THAT THE
11 EMERGENCY SITUATION NECESSITATING THE USE OF EMERGENCY PHYSICAL
12 RESTRAINT IS ENDED AND GENERALLY NO LONGER THAN 10 MINUTES. IF AN
13 EMERGENCY PHYSICAL RESTRAINT LASTS LONGER THAN 10 MINUTES, ALL OF
14 THE FOLLOWING ARE REQUIRED:

15 (i) ADDITIONAL SUPPORT, WHICH MAY INCLUDE A CHANGE OF STAFF, OR
16 INTRODUCING A NURSE, SPECIALIST, OR ADDITIONAL KEY IDENTIFIED
17 PERSONNEL.

18 (ii) DOCUMENTATION TO EXPLAIN THE EXTENSION BEYOND THE TIME
19 LIMIT.

20 (H) WHILE USING EMERGENCY SECLUSION OR EMERGENCY PHYSICAL
21 RESTRAINT, SCHOOL PERSONNEL MUST DO ALL OF THE FOLLOWING:

22 (i) INVOLVE KEY IDENTIFIED PERSONNEL TO PROTECT THE CARE,
23 WELFARE, DIGNITY, AND SAFETY OF THE PUPIL.

24 (ii) CONTINUALLY OBSERVE THE PUPIL IN EMERGENCY SECLUSION OR
25 EMERGENCY PHYSICAL RESTRAINT FOR INDICATIONS OF PHYSICAL DISTRESS
26 AND SEEK MEDICAL ASSISTANCE IF THERE IS A CONCERN.

27 (iii) DOCUMENT OBSERVATIONS.

1 (iv) ENSURE TO THE EXTENT PRACTICABLE, IN LIGHT OF THE ONGOING
2 EMERGENCY SITUATION, THAT THE EMERGENCY PHYSICAL RESTRAINT DOES NOT
3 INTERFERE WITH THE PUPIL'S ABILITY TO COMMUNICATE USING THE PUPIL'S
4 PRIMARY MODE OF COMMUNICATION.

5 (v) ENSURE THAT AT ALL TIMES DURING THE USE OF EMERGENCY
6 SECLUSION OR EMERGENCY PHYSICAL RESTRAINT THERE ARE SCHOOL
7 PERSONNEL PRESENT WHO CAN COMMUNICATE WITH THE PUPIL USING THE
8 PUPIL'S PRIMARY MODE OF COMMUNICATION.

9 Enacting section 1. This amendatory act takes effect 90 days
10 after the date it is enacted into law.

11 Enacting section 2. This amendatory act does not take effect
12 unless all of the following bills of the 98th Legislature are
13 enacted into law:

14 (a) House Bill No. 5410.

15 (b) House Bill No. 5417.