

SUBSTITUTE FOR
HOUSE BILL NO. 5413

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 1307D. THE STATE POLICY UNDER SECTION 1307A SHALL INCLUDE
2 AT LEAST ALL OF THE FOLLOWING PROVISIONS CONCERNING DOCUMENTATION
3 AND REPORTING OF SECLUSION AND RESTRAINT:
4 (A) EACH USE OF SECLUSION OR RESTRAINT AND THE REASON FOR EACH
5 USE SHALL BE DOCUMENTED IN WRITING AND REPORTED IN WRITING OR
6 ORALLY TO THE SCHOOL BUILDING ADMINISTRATION AND THE PUPIL'S PARENT
7 OR GUARDIAN IMMEDIATELY AND DOCUMENTED IN A WRITTEN REPORT FOR EACH
8 USE OF SECLUSION OR RESTRAINT, INCLUDING MULTIPLE USES WITHIN A
9 GIVEN DAY, WITH THIS WRITTEN REPORT PROVIDED TO THE PARENT OR
10 GUARDIAN WITHIN THE EARLIER OF 1 SCHOOL DAY OR 7 CALENDAR DAYS.

1 (B) AFTER ANY USE OF SECLUSION OR RESTRAINT, SCHOOL PERSONNEL
2 MUST MAKE REASONABLE EFFORTS TO DEBRIEF AND CONSULT WITH THE PARENT
3 OR GUARDIAN, OR WITH THE PARENT OR GUARDIAN AND THE PUPIL, AS
4 APPROPRIATE, REGARDING THE DETERMINATION OF FUTURE ACTIONS. THE
5 DEBRIEFING AND CONSULTATION SHALL BE DONE IN ACCORDANCE WITH
6 DEPARTMENT GUIDELINES AND DOCUMENTED ON FORMS DEVELOPED BY THE
7 DEPARTMENT.

8 (C) IF A PUPIL EXHIBITS A PATTERN OF BEHAVIOR THAT POSES A
9 SUBSTANTIAL RISK OF CREATING AN EMERGENCY SITUATION IN THE FUTURE
10 THAT COULD RESULT IN THE USE OF EMERGENCY SECLUSION OR EMERGENCY
11 PHYSICAL RESTRAINT, SCHOOL PERSONNEL ARE ENCOURAGED TO DO ALL OF
12 THE FOLLOWING:

13 (i) CONDUCT A FUNCTIONAL BEHAVIORAL ASSESSMENT.

14 (ii) DEVELOP OR REVISE A POSITIVE BEHAVIORAL INTERVENTION AND
15 SUPPORT PLAN TO FACILITATE THE ELIMINATION OF THE USE OF SECLUSION
16 AND RESTRAINT.

17 (iii) DEVELOP AN ASSESSMENT AND PLANNING PROCESS CONDUCTED BY
18 A TEAM KNOWLEDGEABLE ABOUT THE PUPIL, INCLUDING AT LEAST THE PARENT
19 OR GUARDIAN; THE PUPIL, IF APPROPRIATE; THE INDIVIDUALS RESPONSIBLE
20 FOR IMPLEMENTATION OF THE POSITIVE BEHAVIORAL INTERVENTION AND
21 SUPPORT PLAN; AND INDIVIDUALS KNOWLEDGEABLE IN POSITIVE BEHAVIORAL
22 INTERVENTION AND SUPPORT.

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

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

1 (a) House Bill No. 5410.

2 (b) House Bill No. 5417.