

HOUSE BILL No. 5412

March 2, 2016, Introduced by Rep. Price and referred to the Committee on Education.

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 IF ESSENTIAL.

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

8 (C) EMERGENCY SECLUSION AND EMERGENCY PHYSICAL RESTRAINT SHALL
9 BE PERFORMED IN A MANNER THAT, BASED ON RESEARCH AND EVIDENCE, IS
10 SAFE, APPROPRIATE, AND PROPORTIONATE TO AND SENSITIVE TO THE
11 PUPIL'S SEVERITY OF BEHAVIOR, CHRONOLOGICAL AND DEVELOPMENTAL AGE,

1 PHYSICAL SIZE, GENDER, PHYSICAL CONDITION, MEDICAL CONDITION,
2 PSYCHIATRIC CONDITION, AND PERSONAL HISTORY, INCLUDING ANY HISTORY
3 OF PHYSICAL OR SEXUAL ABUSE OR OTHER TRAUMA.

4 (D) A REQUIREMENT THAT SCHOOL PERSONNEL SHALL IMMEDIATELY CALL
5 KEY IDENTIFIED PERSONNEL FOR HELP FROM WITHIN THE SCHOOL BUILDING
6 AT THE ONSET OF AN EMERGENCY SITUATION.

7 (E) A REQUIREMENT THAT THE SCHOOL DISTRICT, INTERMEDIATE
8 SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY MUST ENSURE THAT
9 SUBSTITUTE TEACHERS ARE INFORMED OF ALL LOCAL EMERGENCY PROCEDURES,
10 INCLUDING THE PROCEDURES REGARDING USE OF EMERGENCY SECLUSION AND
11 EMERGENCY PHYSICAL RESTRAINT.

12 (F) EMERGENCY SECLUSION SHOULD NOT BE USED ANY LONGER THAN
13 NECESSARY, BASED ON RESEARCH AND EVIDENCE, TO ALLOW A PUPIL TO
14 REGAIN CONTROL OF HIS OR HER BEHAVIOR AND GENERALLY NO LONGER THAN
15 15 MINUTES FOR AN ELEMENTARY SCHOOL PUPIL OR 20 MINUTES FOR A
16 MIDDLE SCHOOL OR HIGH SCHOOL PUPIL. IF AN EMERGENCY SECLUSION LASTS
17 LONGER THAN 15 MINUTES FOR AN ELEMENTARY SCHOOL PUPIL OR 20 MINUTES
18 FOR A MIDDLE SCHOOL OR HIGH SCHOOL PUPIL, ALL OF THE FOLLOWING ARE
19 REQUIRED:

20 (i) ADDITIONAL SUPPORT, WHICH MAY INCLUDE A CHANGE OF STAFF, OR
21 INTRODUCING A NURSE, SPECIALIST, OR ADDITIONAL KEY IDENTIFIED
22 PERSONNEL.

23 (ii) DOCUMENTATION TO EXPLAIN THE EXTENSION BEYOND THE TIME
24 LIMIT.

25 (G) EMERGENCY PHYSICAL RESTRAINT SHOULD NOT BE USED ANY LONGER
26 THAN NECESSARY, BASED ON RESEARCH AND EVIDENCE, TO ALLOW A PUPIL TO
27 REGAIN CONTROL OF HIS OR HER BEHAVIOR AND GENERALLY NO LONGER THAN

1 10 MINUTES. IF AN EMERGENCY PHYSICAL RESTRAINT LASTS LONGER THAN 10
2 MINUTES, 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 (H) WHILE USING EMERGENCY SECLUSION OR EMERGENCY PHYSICAL
9 RESTRAINT, SCHOOL PERSONNEL MUST DO ALL OF THE FOLLOWING:

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

12 (ii) CONTINUALLY OBSERVE THE PUPIL IN SECLUSION OR RESTRAINT
13 FOR INDICATIONS OF PHYSICAL DISTRESS AND SEEK MEDICAL ASSISTANCE IF
14 THERE IS A CONCERN.

15 (iii) DOCUMENT OBSERVATIONS.

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

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

21 (a) Senate Bill No.____ or House Bill No. 5410 (request no.
22 04860'15).

23 (b) Senate Bill No.____ or House Bill No. 5417 (request no.
24 04867'15).