



Senate Fiscal Agency
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BILL ANALYSIS



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House Bill 5126 (Substitute H-1 as passed by the House)
Sponsor: Representative Daniela R. Garcia
House Committee: Education Reform
Senate Committee: Education

Date Completed: 12-5-17

CONTENT

The bill would amend the Revised School Code to exempt law enforcement officers from provisions that govern the use of restraint on students and the seclusion of students.

The Code requires the Department of Education to develop a uniform State policy regarding the use of seclusion and restraint in public schools; and requires each school district and public school academy to adopt and implement a local policy consistent with the State policy.

Among other things, the State policy must include a clear statement that mechanical restraint is prohibited for all personnel in the public schools of the State under all circumstances, including emergency situations.

After any use of seclusion or restraint, school personnel must make reasonable efforts to debrief and consult with the parent or guardian, or with the parent or guardian and the pupil, as appropriate, regarding the determination of future actions. The debriefing and consultation must be done in accordance with Department guidelines and documented on forms developed by the Department.

If a pupil 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 are encouraged to do all of the following:

- Conduct a functional behavioral assessment.
- Develop or revise a positive behavioral intervention and support plan to facilitate the elimination of the use of seclusion and restraint.
- Develop an assessment and planning process conducted by a team knowledgeable about the pupil.

The term school personnel includes all individuals employed in a public school or assigned to regularly and continuously work under contract or under agreement in a public school, or public school personnel providing services at a nonpublic school. The bill would exclude from "school personnel" a law enforcement officer assigned to regularly and continuously work under contract or under agreement in a public school, except for Sections 1307d and 1307f. (Section 1307d requires the State policy to include specific provisions regarding documentation and reporting of seclusion and restraint. Section 1307f requires the State policy to include specific provisions regarding data collection.)

The bill would take effect 90 days after it was enacted.

MCL 380.1370h

Legislative Analyst: Nathan Leaman

FISCAL IMPACT

The bill would have no fiscal impact on State or local government. The bill would keep current practices in place and would not add costs or produce savings.

Fiscal Analyst: Cory Savino

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.