



Amendment

Legislative Recommendations

Because of the harm to students, families, communities, and educators, EndSaR recommends the following changes to seclusion and restraint law along with supplemental resources.

THE REVISED SCHOOL CODE (EXCERPT) Act 451 of 1976

Legislation Recommendations

Guidance Recommendations

Funding Recommendations

380.1307 Use of seclusion and restraint in public schools; uniform policy; objectives; right or remedy under state or federal law.

Include an official statement of values regarding seclusion and restraint for the purpose of clarifying the justification for the law. [Recommended Statement](#) [Sample Law: California](#)

(1) It is the intent of the legislature that sections 1307 to 1307h shall provide for a uniform policy regarding the use of seclusion and restraint in the public schools that accomplishes the following objectives:

Extend the policy to all public and private schools. [Details](#)

(a) Promotes the care, safety, welfare, and security of the school community and the dignity of each pupil.

Require the department to create a parent document to educate parents on seclusion and restraint law and how to support a child who has experienced seclusion or restraint. Require schools to distribute the document to all parents at the beginning of each school year, to parents at IEP meetings, debriefing meetings after emergency situations.

[Details](#)

[EndSaR Document](#)

[Michigan Alliance for Families Document](#)

(b) Encourages 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 pupils.

Require the department to assemble a team of experts to create a rubric for evaluating approaches and maintain a list of department-approved proactive, effective, evidence- and research-based approaches that can be used to reduce the occurrence of challenging behaviors, eliminate the use of seclusion and restraint, and increase meaningful instructional time for all pupils. Rubric categories should include trauma assumed, neuroscience aligned, neurodiversity affirming, relationship based, collaborative, and equitable. Require the team to review the rubric and update the list annually.

[Details & Definition of Terms](#)

[EndSaR Approved Approaches](#)

[Sample Law: Alaska](#)

Provide temporary funding to the department for the purpose of gathering a team of experts, the creation of the rubric, and the initial establishment of department approved approaches.

(c) Ensures that seclusion and physical 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.

Update this statement to clarify that involuntary seclusion and unnecessary restraint are prohibited. Require that seclusion and restraint only be used by Key Identified Personnel (including school resource officers) who are up to date on all required training including state basic awareness training, data collection training, and district comprehensive training. [Details](#) [Article: Student Deaths](#)

(d) Clearly defines the terms "seclusion", "restraint", "emergency seclusion", and "emergency physical restraint" and clearly states the procedures for the use of emergency seclusion and emergency physical restraint.

Update the definitions of terms to eliminate the current confusion and for consistency with Civil Rights Data Collection definitions. Add the definitions of "serious physical injury," "solitary seclusion," "isolated seclusion," "necessary brief-hold restraint," "full restraint," "extended restraint," "gentle escort," "restraint escort," "voluntary calming spaces," "voluntary sensory gym," and "time out". Update the definition of "emergency situation," "emergency seclusion," and "emergency physical restraint" to include imminent risk of serious physical injury. [Recommended Definitions](#) [US DOE CRDC Definitions](#)

Require the department to produce detailed, binding guidance and support resources that include research and evidence related to the use of seclusion and restraint, department approved less restrictive interventions, and department approved proactive, effective, evidence- and research-based approaches that can be used to reduce the occurrence of challenging behaviors, eliminate the use of seclusion and restraint, and increase meaningful instructional time for all pupils. The guidance must include examples of scenarios that are and are not permitted, including types of seclusion, restraint, escort, and emergency situations, definitions of adequate sensory gyms and voluntary calming spaces, lists and examples of what physical and psychological distress might look like, examples of patterns of behavior that could lead to the use of seclusion or restraint, as well as examples of exemplar emergency intervention plans.

(2) Sections 1307 to 1307h do not limit any right or remedy of an individual under state or federal law.

Require the department to create and maintain a monitoring, oversight, and enforcement system to ensure compliance with all parts of this law by Michigan schools. [Details](#)

Require the department to create and maintain the following tools specific to seclusion and restraint:

- Virtual basic awareness training; available to the public for free
- Virtual data collection training
- Electronic real-time reporting form for schools with terms consistent with CRDC data collection
- Rubric for evaluating approaches; renewed annually
- List of approved approaches; updated annually
- Parent document
- List of approved less restrictive interventions
- Electronic complaint form; available online to the public
- Detailed guidance and support resources
- Statewide network of educator support for department approved approaches
- Effective corrective action process for schools that are not meeting expectations

Provide short-term funding for the purpose of establishing the monitoring, oversight, and enforcement system and required tools.

Provide long-term funding to the department specifically for the purpose of maintaining this monitoring, oversight, and enforcement system and required tools.

380.1307a Use of seclusion and restraint in public schools; adoption and implementation of local policy; noncompliance as violation of act.

Not later than December 1, 2016, the department shall develop a state policy regarding the use of seclusion and restraint in the public schools that includes all of the elements under sections 1307b to 1307h, along with guidelines as the department considers appropriate. Not later than the beginning of the 2017-2018 school year, the board of a school district or intermediate school district or board of directors of a public school academy shall adopt and implement a local policy that is consistent with the state policy under this section. A person who fails to comply with this section or who fails to comply with any of the requirements of the state policy developed under this section is considered to have failed to comply with and to have violated this act.

Change the word “guidelines” to allow the department to offer detailed guidance that is binding.

Require the department to produce detailed guidance and support resources to help schools implement all of the seclusion and restraint law.

Extend the responsibility to follow this law to school systems.

380.1307b Statement of prohibited practices.

The state policy under section 1307a shall include a clear statement that all of the following practices are prohibited for school personnel in the public schools of this state under all circumstances, including emergency situations:

(a) Corporal punishment, as defined in section 1312.

(b) The deprivation of basic needs.

(c) Child abuse.

(d) Seclusion, other than emergency seclusion.

(e) 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.

(f) Mechanical restraint.

(g) Chemical restraint.

(h) Any restraint that negatively impacts breathing.

(i) Prone restraint.

(j) Physical restraint, other than emergency physical restraint.

(k) Any other type of restraint.

Add any permitted type of seclusion or restraint by an individual that is not properly trained in its use.

Add all forms of involuntary seclusion and unnecessary restraints to the list of prohibited practices including solitary seclusion, isolated seclusion, and anything else by any other name, including time out, that meets the definition of involuntary seclusion, “unnecessary restraints,” “full restraints,” “extended restraints,” and “restraint escorts.” [Details](#) [Sample Law: Hawaii](#) [Sample Law: Georgia](#)

Provide temporary funding to schools to convert seclusion rooms so they may no longer be used for seclusion

380.1307c Emergency seclusion and emergency physical restraint; state policy; provisions.

The state policy under section 1307a shall include at least all of the following provisions concerning use of emergency seclusion and emergency physical restraint:

(a) Emergency seclusion and emergency physical restraint may be used only under emergency situations and only if essential to providing for the safety of the pupil or safety of another.

Clarify that emergency situations involve the imminent risk of serious physical injury and they permit only the use of necessary brief-hold restraints.

(b) Emergency seclusion and emergency physical restraint may not be used in place of appropriate less restrictive interventions.

Clarify that any type of seclusion or restraint may not be use in place of less restrictive interventions.

Require the department to provide a list, with examples, of department approved less restrictive interventions.

Require the department to define adequate voluntary sensory gyms and calming spaces per general student population and a ratio of sensory gyms and voluntary calming spaces per student with disability.

Provide temporary funding to all schools to provide adequate voluntary sensory gyms and calming spaces, along with the training and gear required to implement approved appropriate less restrictive interventions.

(c) Emergency seclusion and emergency physical restraint shall be performed in a manner that, based on research and evidence, is safe, appropriate, and proportionate to and sensitive to the pupil's severity of behavior, chronological and developmental age, physical size, gender, physical condition, medical condition, psychiatric condition, and personal history, including any history of physical or sexual abuse or other trauma.

Include an overview of the research and evidence surrounding the use of seclusion and restraint in the basic awareness training module and the guidance so that educators can effectively follow this section of the law. [Research and evidence](#)

(d) A requirement that 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 pupil or to the safety of others, as soon as possible once the circumstances no longer support such a belief.

(e) A requirement that the school district, intermediate school district, or public school academy must ensure that substitute teachers are informed of and understand the procedures regarding use of emergency seclusion and emergency physical restraint. This requirement may be satisfied using online training and an online acknowledgment of understanding developed or approved by the department and completed by the substitute teacher.

Require all applicants for substitute teaching positions to complete the virtual basic awareness training module to ensure consistent information throughout the state, especially for transient staff.

(f) Emergency seclusion should not be used any longer than necessary, based on research and evidence, to allow a pupil to regain control of his or her behavior to the point that the emergency situation necessitating the use of emergency seclusion is ended and generally no longer than 15 minutes for an elementary school pupil or 20 minutes for a middle school or high school pupil. If an emergency seclusion lasts longer than 15 minutes for an elementary school pupil or 20 minutes for a middle school or high school pupil, all of the following are required:

Strike this or update this statement to clarify that seclusion does not help pupils regain control of their behavior; on the contrary, they can make behaviors worse both in the moment and in the future, that research and evidence does not support the use of involuntary seclusion, and that voluntary sensory gyms, calming spaces, walks, breaks with a supportive adult should be used for a time based on individual student need and therefore should remain flexible.

(i) Additional support, which may include a change of staff, or introducing a nurse, specialist, or additional key identified personnel.

(ii) Documentation to explain the extension beyond the time limit.

(g) Emergency physical restraint should not be used any longer than necessary, based on research and evidence, to allow a pupil to regain control of his or her behavior to the point that the emergency situation necessitating the use of emergency physical restraint is ended and generally no longer than 10 minutes. If an emergency physical restraint lasts longer than 10 minutes, all of the following are required:

Update this statement to clarify that only necessary brief-hold restraints are permitted and that restraints do not help pupils regain control of their behavior; on the contrary, they can make behaviors worse both in the moment and in the future.

(i) Additional support, which may include a change of staff, or introducing a nurse, specialist, or additional key identified personnel.

(ii) Documentation to explain the extension beyond the time limit.

(h) While using emergency seclusion or emergency physical restraint, school personnel must do all of the following:

(i) Involve key identified personnel to protect the care, welfare, dignity, and safety of the pupil.

(ii) Continually observe the pupil in emergency seclusion or emergency physical restraint for indications of physical distress and seek medical assistance if there is a concern.

Add psychological and emotional distress to the indicators of concern. In the guidance, give lists and examples of what physical, psychological, and emotional distress might look like and how to respond to minimize long term negative impacts.

(iii) Document observations.

(iv) Ensure to the extent practicable, in light of the ongoing emergency situation, that the emergency physical restraint does not interfere with the pupil's ability to communicate using the pupil's primary mode of communication.

(v) Ensure that at all times during the use of emergency seclusion or emergency physical restraint there are school personnel present who can communicate with the pupil using the pupil's primary mode of communication.

380.1307d Documentation and reporting of seclusion and restraint; state policy; provisions.

The state policy under section 1307a shall include at least all of the following provisions concerning documentation and reporting of seclusion and restraint:

(a) Each use of seclusion or restraint and the reason for each use shall be documented in writing and reported in writing or orally to the school building administration and the pupil's parent or guardian immediately and documented in a written report for each use of seclusion or restraint, including multiple uses within a given day, with this written report provided to the parent or guardian within the earlier of 1 school day or 7 calendar days.

Require key identified personnel to document every instance of seclusion and restraint using the electronic reporting form before the end of the day in which it occurred.

Provide temporary funding to the department for the purpose of developing the electronic reporting form.

(b) 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 shall be done in accordance with department guidelines and documented on forms developed by the department.

(c) 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:

Quantify "pattern of behavior" - after the 2nd emergency situation or the 2nd use of seclusion or restraint in a school year.

In the guidance, give examples of patterns of behavior that pose a substantial risk of creating an emergency situation in the future.

- (i) Conduct a functional behavioral assessment.

Allow the use of other assessment tools for the purpose of determining the underlying problems that caused the escalation. [Details](#) [ASUP](#) [Why Toolkit](#) [CPS-APT](#)

- (ii) Develop or revise a positive behavioral intervention and support plan to facilitate the elimination of the use of seclusion and restraint.

Define elimination and require the plan to be revised if elimination is not on track.

- (iii) Develop an assessment and planning process conducted by a team knowledgeable about the pupil, including at least the parent or guardian; the pupil, if appropriate; the individuals responsible for implementation of the positive behavioral intervention and support plan; and individuals knowledgeable in positive behavioral intervention and support.

In the guidance, give examples of exemplary positive behavioral intervention and support plans that have effectively facilitated the elimination of the use of seclusion and restraint.

Require an evaluation of the current disciplinary system (including the school's implementation of PBIS and MTSS supports) and the current behavior plan to determine if they could be causing behavior escalation, including consulting with parents or guardians. Require a change in plan if emergency situations are not systematically decreasing.

380.1307e Development and implementation of emergency intervention plan; state policy; provisions.

The state policy under section 1307a shall include at least all of the following provisions concerning development and implementation of an emergency intervention plan:

- (a) 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 should develop a written emergency intervention plan to protect the health, safety, and dignity of the pupil. The emergency intervention plan should be developed in partnership with the parent or guardian by a team that includes a teacher, an individual knowledgeable about the legally permissible use of emergency seclusion and emergency physical restraint, and an individual knowledgeable about the use of positive behavioral intervention and support to eliminate the use of seclusion and restraint. The emergency intervention plan should be developed and implemented by taking all of the following documented steps:

Quantify "pattern of behavior" - after the 2nd emergency situation or the 2nd use of seclusion or restraint in a school year.

In the guidance, provide sample exemplary emergency intervention plans.

- (i) Describe in detail the emergency intervention procedures.
- (ii) Describe in detail the legal limits on the use of emergency seclusion and emergency physical restraint, including examples of legally permissible and prohibited use.
- (iii) Make inquiry to the pupil's medical personnel, with parental consent, regarding any known medical or health contraindications for the use of emergency seclusion or emergency physical restraint.

(iv) Conduct a peer review by knowledgeable school personnel.

(v) Provide the parent or guardian with all of the following, in writing and orally:

(A) A detailed explanation of the positive behavioral intervention and support strategies that will be utilized to reduce the risk of the pupil's behavior creating an emergency situation.

(B) An explanation of what constitutes an emergency situation as defined in section 1307h, including examples of situations that would fall within the definition and situations that would fall outside the definition.

(C) A detailed explanation of the intervention procedures to be followed in an emergency situation, including the potential use of emergency seclusion and emergency physical restraint.

(D) A detailed explanation of the legal limits on the use of emergency seclusion and emergency physical restraint, including examples of legally permissible and prohibited use.

(E) A description of possible discomforts or risks.

(F) Answers to any questions.

(b) A pupil who is the subject of an emergency intervention plan should be told or shown the circumstances under which emergency seclusion or emergency physical restraint could be used.

(c) 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. The development of an emergency intervention plan shall be solely for the purpose of protecting the health, safety, and dignity of the pupil and does not expand the legally permissible use of emergency seclusion or emergency physical restraint.

380.1307f Data collection; state policy; provisions.

The state policy under section 1307a shall include at least all of the following provisions concerning data collection:

(a) A school district or public school academy, or an intermediate school district program in which pupils are enrolled, in accordance with department guidelines, shall collect and report data on and related to the use of restraint and seclusion in the school district, public school academy, or intermediate school district program. In collecting and reporting this data, a school district, public school academy, or intermediate school district program shall use existing data collection and reporting systems whenever possible. Incidents of use shall, at a minimum, be reported by race, age, grade, gender, disability status, medical condition, identity of the school personnel initiating the use of the restraint or seclusion, and identity of the school or program where the use occurred.

(b) All of the following should occur with respect to the data collected under subdivision (a):

(i) The data should be analyzed by the school and school district, public school academy, or intermediate school district in which the pupil is enrolled to determine the efficacy of the school's schoolwide system of behavioral support.

(ii) The data should be analyzed by the school and school district, public school academy, or intermediate school district in the context of attendance, suspension, expulsion, and dropout data.

(iii) The data should be analyzed by the school and school district, public school academy, or intermediate school district for the purposes of continuous improvement of training and technical assistance toward the elimination of seclusion and restraint.

(iv) The data should be analyzed by the school and school district, public school academy, or intermediate school district on a schedule determined by the department.

(v) The data should be reported electronically to the department in accordance with department guidelines by the school district, public school academy, or intermediate school district.

(c) The department shall make available redacted, aggregate data on the reported use of seclusion and restraint, compiled by school district, public school academy, and intermediate school district on a quarterly basis.

The redacted, aggregated data that is available to the public for free shall include generalized representations by race, age, grade, gender, disability status, and category of reason for use by state, by ISD, and by district (in a way that does not risk identifying an individual student). [Example: NJ](#)

380.1307g Training; state policy; provisions.

The state policy under section 1307a shall include at least all of the following provisions concerning training, which may include online training that is developed or approved by the department:

(a) In accordance with department guidelines, a school district, intermediate school district, or public school academy shall implement a comprehensive training framework that includes awareness training for all school personnel who have regular contact with pupils and comprehensive training for key identified personnel as described in subdivision (b).

Require the department to develop and maintain a virtual basic awareness training course that is available to the public for free. [Example: Michigan Virtual](#)

Provide temporary funding to the department for the purpose of developing the basic awareness training.

Require teacher preparation programs teach about seclusion and restraint law, approved approaches, and approved less restrictive interventions. Require schools to provide comprehensive training, coaching, and ongoing support to all school personnel and student teachers who provide educational programming (administrators, teachers, classroom aides and paraprofessionals, and service providers). The training, coaching, and ongoing support must include proactive, effective, evidence- and research-based approaches that reduce the occurrence of challenging behaviors, eliminate the use of seclusion and restraint, and increase meaningful instructional time, approved by the department and selected by the school.

Require all persons who have contact with pupils (fingerprinted adults), including staff, coaches, contractors, substitutes, school resource officers, and volunteers to complete the virtual basic awareness training course before their first contact with students and biannually thereafter.

Provide temporary funding to schools to transition to department approved approaches including acquiring necessary tools, materials, training, and expert and peer support.

(b) A school district, intermediate school district, or public school academy shall 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 pupils, key identified personnel who may have to respond to an emergency situation shall be trained in all of subparagraphs (i) to (xvi) as follows and should be trained in all of subparagraphs (xvii) to (xx) as follows:

Require the department to develop and maintain a virtual data collection training course to ensure consistent and accurate data collection. All key identified personnel shall be required to complete the data collection training on a bi-annual basis.

Provide temporary funding to the department for the purpose of developing this data collection training.

Define “sufficient key personnel.”

- (i) Proactive practices and strategies that ensure the dignity of pupils.
- (ii) De-escalation techniques.
- (iii) Techniques to identify pupil behaviors that may trigger emergency situations.
- (iv) Related safety considerations, including information regarding the increased risk of injury to pupils and school personnel when seclusion or restraint is used.
- (v) Instruction in the use of emergency seclusion and emergency physical restraint.
- (vi) Identification of events and environmental factors that may trigger emergency situations.
- (vii) Instruction on the state policy on the use of seclusion and restraint.
- (viii) Description and identification of dangerous behaviors.
- (ix) Methods for evaluating the risk of harm to determine whether the use of emergency seclusion or emergency physical restraint is warranted.

Add crisis prevention techniques, clarify that only necessary brief-hold restraints are permitted.

In the guidance, include methods for evaluating the risk of harm to determine if there is imminent risk of serious physical injury.

- (x) Types of seclusion.
- (xi) Types of restraint.
- (xii) The risk of using seclusion or restraint in consideration of a pupil's known and unknown physical or mental health conditions or psychological limitations.
- (xiii) The effects of seclusion and restraint on all pupils.
- (xiv) How to monitor for and identify the physical signs of distress and the implications for pupils generally and for pupils with particular physical or mental health conditions or psychological limitations.
- (xv) How to obtain appropriate medical assistance.

- (xvi) Cardiopulmonary resuscitation and first aid.
- (xvii) Conflict resolution.
- (xviii) Mediation.
- (xix) Social skills training.
- (xx) Positive behavioral intervention and support strategies.

Define a minimum number of support personnel per student population including coaches, psychologists, social workers, and behavior specialists to ensure that staff always have access to adequate support staff.

Provide long term funding to schools to the minimum number of support personnel.

Create a statewide network of support including support groups, mentors, coaches, peer to peer support, professional support for implementing department approved approaches with fidelity in classrooms, and quarterly workshops for performing data analysis. Ensure that the network of support is user friendly and available to all Michigan educators.

380.1307h Definitions.

As used in sections 1307 to 1307h:

- (a) "Chemical restraint" means the administration of medication for the purpose of restraint.
- (b) "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.
- (c) "Documentation" means documentation developed by the department that is uniform across the state.
- (d) "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 pupil to regain self-control while maintaining the safety of the pupil 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 section 1307b. Emergency physical restraint does not include physical restraint when contraindicated based on a pupil's disability, health care needs, or medical or psychiatric condition, as documented in a record or records made available to the school.

Remove or update "emergency physical restraint" to clarify that physical restraint does not help pupils regain self-control, rather it allows adults to take control of their bodies and that only necessary brief-hold restraints are permitted.

- (e) "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 pupil to regain self-control while maintaining the safety of the pupil 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 1307b. Emergency seclusion does not include seclusion when contraindicated based on a pupil's disability, health care needs, or medical or psychiatric condition, as documented in a record or records made available to the school.

Update “emergency seclusion” to clarify that seclusion is not a safety intervention, does not help pupils regain self-control, rather it allows adults to take control of their bodies, is not required to provide for the safety of pupils, and that voluntary sensory gyms, calming spaces, walks, and breaks with a supportive adult are alternative options.

(f) "Emergency situation" means a situation in which a pupil's behavior poses imminent risk to the safety of the individual pupil or to the safety of others. An emergency situation requires an immediate intervention.

Update “emergency situation” to replace both instances of “to the safety of” with “of serious physical injury to.”

Add “extended restraint” is a restraint that is not brief meaning that it lasts longer than 5 minutes or longer than is necessary to break up a fight, stop a physical assault, take a weapon, or prevent a dangerous, impulsive behavior. [Details](#)

Add “full restraint” means a personal restriction, imposed by a school staff member or other individual, that simultaneously immobilizes or reduces the ability of a student to move their torso, arms, legs, and head freely. Full restraints are traumatic, unnecessary restraints and are prohibited in Michigan schools.

(g) "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.

Add “gentle escort” means gently touching or holding of the hand, wrist, arm, shoulder, or back of a student for the purpose of inducing a student to walk to a safe location, when the contact does not continue after arriving at the safe location. [Details](#)

Add “isolated seclusion” is the involuntary confinement of a student in a room or other space, separated from peers, from which the student is not permitted to leave.

(h) "Key identified personnel" means those individuals who have received the mandatory training described in section 1307g(b)(i) to (xvi).

(i) "Law enforcement officer" means an individual licensed under the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615.

(j) "Mechanical restraint" means the use of any device, article, garment, or material attached to or adjacent to a pupil's body to perform restraint.

Add "necessary brief-hold restraint" is the only lawful use of restraint in schools and is defined as a brief hold necessary to prevent serious physical injury such as to break up a fight, stop a physical assault as defined in [MCL 380.1310\(b\)](#), take a weapon from a pupil, or prevent an impulsive behavior that threatens a pupil's immediate safety, such as running in front of a car or banging their head against a brick wall. [Details](#)

(k) "Physical restraint" means restraint involving direct physical contact.

(l) "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 pupil 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 pupils.

(m) "Positive behavioral intervention and support plan" means a pupil-specific support plan composed of individualized, functional behavioral assessment-based intervention strategies, including, as appropriate to the pupil, guidance or instruction for the pupil 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.

(n) "Prone restraint" means the restraint of an individual facedown.

(o) "Regularly and continuously work under contract" means that term as defined in section 1230.

(p) "Restraint" means an action that prevents or significantly restricts a pupil's movement. Restraint does not include the brief holding of a pupil in order to calm or comfort, the minimum contact necessary to physically escort a pupil from 1 area to another, the minimum contact necessary to assist a pupil in completing a task or response if the pupil does not resist or resistance is minimal in intensity or duration, or the holding of a pupil for a brief time in order to prevent an impulsive behavior that threatens the pupil's immediate safety, such as running in front of a car. Restraint does not include the administration of medication prescribed by and administered in accordance with the directions of a physician, an adaptive or protective device recommended by a physician or therapist when it is used as recommended, or safety equipment used by the general pupil population as intended, such as a seat belt or safety harness on school transportation. Restraint does not include necessary actions taken to break up a fight, to stop a physical assault, as defined in section 1310, or to take a weapon from a pupil. Restraint does not include actions that are an integral part of a sporting event, such as a referee pulling football players off of a pile or a similar action.

Update the definition of restraint to be consistent with the Civil Rights Data Collection definition (CRDC) "a personal restriction, imposed by a school staff member or other individual, that immobilizes or reduces the ability of a student to move their torso, arms, legs, or head freely. The term physical restraint does not include a *gentle* escort. Encouraging, inducing, or forcing a student to walk to a safe location in a way that involves methods utilized to maintain physical control of a student should be considered a physical restraint." [CRDC Form with Definition](#) [Details](#)

(q) "Restraint that negatively impacts breathing" means any restraint that inhibits breathing, including floor restraints, facedown position, or any position in which an individual is bent over in such a way that it is difficult

to breathe. This includes a seated or kneeling position in which an individual being restrained is bent over at the waist and restraint that involves sitting or lying across an individual's back or stomach.

Add “restraint escort” means encouraging, inducing, or forcing a student to walk to a safe location in a way that involves methods utilized to maintain physical control of a student. Restraint escorts are traumatic, unnecessary restraints and are prohibited in Michigan schools. [Details](#)

(r) "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 service at a nonpublic school. Except for sections 1307d and 1307f, school personnel does not include a law enforcement officer assigned to regularly and continuously work under contract or under agreement in a public school.

(s) "Seclusion" means the confinement of a pupil in a room or other space from which the pupil is physically prevented from leaving. Seclusion does not include the general confinement of pupils if that confinement is an integral part of an emergency lockdown drill required under section 19(5) of the fire prevention code, 1941 PA 207, MCL 29.19, or of another emergency security procedure that is necessary to protect the safety of pupils

Update the definition of seclusion to match the Civil Rights Data Collection (CRDC) definition *with additional statements and terms* to clarify, “the involuntary confinement of a student in a room or area, with or without adult supervision, from which the student is not permitted to leave. Students who believe or are told by a school staff member that they are not able to leave a room or area, should be considered secluded. *This includes requiring a student to stay for an adult-designated period of time or requiring them to complete a compliance demand before being permitted to leave (like being quiet for 5 minutes or making an apology).* The term does not include a classroom or school environment where, as a general rule, all students need permission to leave to room or area such as to use the restroom and does not include *allowing students to access a sensory gym, voluntary calming space, or a break or a walk with a supportive adult.* [CRDC Form with Definition](#) [Details](#)

In the guidance, include examples of what is and what is not considered seclusion, isolated seclusion, and solitary seclusion. For example, being completely surrounded by pads such that the student has no exit is seclusion while blocking with a pad so that a student cannot go in dangerous directions but has an exit in a different direction is not seclusion.

Add “serious physical injury” is an injury that— (A) is life threatening; (B) results in permanent impairment of a body function or permanent damage to a body structure; or (C) necessitates medical or surgical intervention to preclude permanent impairment of a body function or permanent damage to a body structure. [42 USC § 247d-6d\(i\)\(10\)](#) [Details](#)

Add “solitary seclusion” is the involuntary confinement of a student in a room or other space, alone or without the ability the engage with an attentive, responsive adult, from which the student is not permitted to leave. [Details](#)

Add “time out” is a term that is used to mean a range of different things from a much-needed break to the unlawful seclusion of students. Time outs that are imposed upon a student by an adult (involuntary) and the student is prevented from leaving meet the definition of seclusion and are prohibited. Time outs that allow students access to a sensory gym, voluntary calming space, a walk or a break with an attentive, regulated adult who can offer co-regulation and assess the need for increased support can be a healthy use of time out or time in. [Details](#)

Add “voluntary calming space” is a place where students who are feeling stressed, overwhelmed, or emotionally dysregulated in the standard educational environments can go to receive co-regulation or practice self-regulation and from which they can leave freely through a clearly open exit. Voluntary calming spaces require a trained adult who can engage as necessary and assess the need for increased support. Voluntary calming spaces can be within the classroom where a student can access activities and instruction with their peers or they can be outside of the classroom setting. Voluntary calming spaces must include comforting elements such as soft seating, soft lighting, options for students to choose from to calm their nervous systems such as snacks, headphones for listening to calm music, coloring pages, fidgets, and posters with guidance for practicing regulation skills. Adults may invite students, but cannot force them, to go to or stay in a voluntary calming space, cannot demand that they go, or threaten punishment or consequence if they don’t go, and they cannot be used as a punishment or consequence. [Details](#)

Add “voluntary sensory gym” is a sensory rich environment with specialized equipment designed to stimulate a child’s senses and vestibular and proprioception systems, improve bodily awareness, motor skills, communication, social skills, and that feels regulating to a child whose body needs to move throughout the day in order to stay regulated. Access to a sensory gym is not a reward for compliance or desired behaviors, but rather a necessary accommodation in order to meet students' needs and thus prevent extreme behavior. Access to a sensory gym should be built in to schedule of student who need them and the schedule should remain flexible to allow access as needed to prevent escalation, especially during difficult days. [Examples](#) [Details](#)

REVISED SCHOOL CODE (EXCERPT) Act 451 of 1976

380.1312 Corporal Punishment Defined

(a) Update to clarify that all use of restraint and escort must follow seclusion and restraint law