

# Seclusion and Restraint in Wayne County Great Start Readiness Programs: Awareness Training

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# Agenda

- ▶ Seclusion & Restraint Law & MDE Policy, 2017
- ▶ Rationale
- ▶ Training Requirements
- ▶ Prohibited Practices
- ▶ R 400.8140 Discipline. Rule 140.  
<http://www.michigan.gov/orr>
- ▶ MDE Written Report and Debriefing Forms

<https://tinyurl.com/MDESeclusion>

# Seclusion & Restraint Law & MDE Policy, 2017

- ▶ MDE Policy for the Emergency Use of Seclusion and Restraint – approved by the State Board of Education March 14, 2017, and became effective **March 29, 2017**.
- ▶ Not later than the beginning of the 2017-18 school year, the board of a school district, ISD, or PSA shall adopt and implement a local policy that is consistent with the state policy under this section.
- ▶ MDE Guidance Q & A document revised and issued **September 15, 2017**.

# Rationale

- ▶ Two Michigan students died in school while in prone restraint.
- ▶ MDE convened 50+ member state-wide referent group to update the state policy on seclusion and restraint.

# Awareness Training Shall Include:

- Purpose and spirit of the Law, including duty to protect the wellbeing of pupils in our care.
- Expectations and responsibility of staff in responding to emergency situations.
- Risks and limits on emergency use of seclusion and restraint.
- Following definitions:
  - emergency situation
  - emergency seclusion
  - emergency restraint
  - mechanical restraint
  - key identified personnel

# Training Requirements

The Seclusion and Restraint Awareness Training is **required for staff “regularly and continuously” working under contract as defined in MCL 380.1230** of the Revised School Code. Including any individual who works at school on a more than intermittent or sporadic basis as an owner or employee of an entity that has a contract with:

- a school district
- intermediate school district
- public school academy
- nonpublic school (community-based organizations)

providing food, custodial, transportation, counseling, administrative and/or instructional services to general education or related auxiliary services to special education students.

# Seclusion and Restraint Training Requirements

## Who is required to receive Awareness Training?

All school personnel who have regular contact with pupils or who regularly and continuously work under contract, are required to receive awareness training.

### This May Include:

- teachers
- paraprofessionals
- administrators
- support staff
- bus drivers
- security personnel
- cafeteria staff
- substitute teachers
- public school employees providing services at a non-public school
- school volunteers
- school board members
- coaches
- pre-service and intern teachers

# Prohibited Practices

- Corporal punishment, as defined in MCL 380.1312.
- The deprivation of basic needs.
- Child abuse.
- 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.
- Mechanical restraint.

# Prohibited Practices

- ▶ The following are prohibited under **all** circumstances, including emergency situations:
  - ▶ Corporal punishment as defined in §380.1312(1) of The Revised School Code, 1976 PA 451
  - ▶ The deprivation of basic needs.
  - ▶ Anything constituting child abuse.
  - ▶ Seclusion of **preschool children**.
  - ▶ The intentional application of any noxious substance(s) or stimuli which results in physical pain or extreme discomfort. A noxious substance or stimuli can either be generally acknowledged or specific to the student.



# Prohibited Practices

**Any restraint** that negatively impacts breathing. 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.

**Confinement** (seclusion) of preschool children or of pupils who are severely self-injurious or suicidal.

**Seclusion or restraint** as a form of discipline or punishment; **as a substitute for adequate staffing**; or when contraindicated based on (as documented in a record or records made available to the school) a pupil's: disability; health care needs; or medical or psychiatric condition.

## Restraint includes:

**Chemical Restraint:** the administration of medication for the purpose of reducing or restricting an individual's freedom of movement.

**Physical Restraint:** the application of physical force by one or more individuals that reduces or restricts a student's freedom of movement. Physical restraint of a student may only be used for the purpose of providing safety and support.

**Mechanical Restraint:** the use of any device, article, garment, or material attached or adjacent to the student's body that the student cannot easily remove, and that restricts freedom of movement.

**Prone Restraint:** the restraint of a person face down.

## Seclusion includes:

**Seclusion:** the confinement of a student in a room or other space from which the student is physically prevented from leaving and which provides for continuous adult observation of the student.

# These Things are **Not** Physical Restraint:

- The brief holding of a pupil in order to calm or comfort.
- The **minimum contact necessary** to physically escort a pupil from one 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.
- 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.

## These Things are **Not** Physical Restraint:

- To break up a fight.
- To stop a physical assault, as defined in MCL 380.1310(b) (*“Physical assault” means intentionally causing or attempting to cause physical harm to another through force or violence*).
- 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 (such as in the gym or on the playground).

# R 400.8140 Discipline. Rule 140.

<http://www.michigan.gov/orr>

- ▶ (1) Positive methods of discipline that encourage self-control, self direction, self-esteem, and cooperation shall be used.
- ▶ (2) All of the following means of punishment shall be **prohibited**:
  - ▶ (a) Hitting, spanking, shaking, biting, pinching, or inflicting other forms of corporal punishment.
  - ▶ (b) Restricting a child's movement **by** binding or tying him or her.
  - ▶ (c) Inflicting mental or emotional punishment, such as humiliating, shaming, or threatening a child.

## R 400.8140 Discipline. Rule 140.

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- ▶ (d) Depriving a child of meals, snacks, rest, or necessary toilet use.
- ▶ (e) Excluding a child from outdoor play or other gross motor activities.
- ▶ (f) Excluding a child from daily learning experiences.
- ▶ (g) Confining a child in an enclosed area, such as a closet, locked room, box, or similar cubicle.

# R 400.8140 Discipline. Rule 140.

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- ▶ (3) **Non-severe and developmentally appropriate discipline or restraint may be used when reasonably necessary**, based on a child's development, to prevent a child from doing self harm or to prevent a child from harming other persons or property, excluding those forms of punishment prohibited by **subrule (2)** of this rule.
  
- ▶ (4) A policy shall be developed and implemented regarding the discipline of children. The policy shall be all of the following:
  - ▶ (a) In written form.
  - ▶ (b) Age appropriate.
  - ▶ (c) Provided to staff and parents.

# General Procedures: Debrief & Reporting

- ▶ Each use of seclusion and restraint and the reason for each use shall be reported in writing or orally to the school building administration and the pupil's parent or guardian immediately.
- ▶ A written report for each use of seclusion or restraint provided to the parent or guardian within the earlier of 1 school day or 7 calendar days.
- ▶ After any use of seclusion or restraint, school personnel must make reasonable efforts to debrief and consult with the parent or guardian.
- ▶ Incidents of seclusion and restraint will be reported to MDE.