

# Seclusion & Restraint

## Quick Reference Guide



Michigan Association of  
Secondary School Principals

New statutory requirements that govern the use of emergency use of seclusion and physical restraint took effect August 1, 2017. The intended purpose is to provide a uniform policy that encourages the use of proactive and effective strategies to reduce the occurrence of challenging behaviors, eliminate the use of seclusion and restraint, and increase meaningful instructional time. This guide highlights key ideas and considerations for Principals. This guide is not intended as a comprehensive review of the law.

### ~~PROHIBITED~~

- Chemical restraint
- Mechanical restraint
- Any restraint that negatively impacts breathing
- Prone (face down) restraint
- Corporal punishment
- Deprivation of basic needs
- Any form of child abuse
- Intentional application of noxious substance or stimulus resulting in physical pain or extreme discomfort
- Physical restraint other than emergency physical restraint
- Any other type of restraint

### EXCEPTIONS

Certain actions are expressly excluded from the definition of physical restraint and are not governed by this statute:

- Brief holding to calm or comfort
- Escorting a pupil (min. contact necessary)
- Assisting a pupil in a task (min. contact necessary)
- Brief holding to prevent an impulsive behavior (e.g. running in front of a car)
- Administration of Rx medication
- Using an adaptive or protective device
- Using safety equipment as intended (e.g. seat belt)
- Necessary actions to break up a fight, stop physical assault, or take a weapon
- Integral actions in a sporting event (e.g. a referee pulling football players off of a pile)

e·mer·gen·cy

**Is it an emergency?**

**The answer to BOTH of the following must be YES:**

**Is the pupil's behavior posing an imminent risk to him/her or the safety of others?**

**Does the situation require an immediate intervention?**

Emergency seclusion/physical restraint are only allowed in an emergency situation. They are never allowed if contraindicated based on a pupil's disability, health care needs, or medical or psychiatric condition.

Once a pupil has regained control, the use of emergency seclusion/physical restraint are not appropriate.

## Key Identified Personnel Training

A school district, ISD, or public school academy shall identify sufficient key personnel to respond to emergency situations. Training for key identified personnel must be completed BEFORE using emergency seclusion or emergency physical restraint with pupils. The training...

### MUST INCLUDE

- |                                      |                                     |
|--------------------------------------|-------------------------------------|
| • Proactive practices and strategies | • Types of dangerous behaviors      |
| • De-escalation techniques           | • Performing a need/risk assessment |
| • Techniques to identify triggers    | • Assessing the effects on student  |
| • Related safety considerations      | • Identifying/monitoring distress   |
| • Types of seclusion & restraint     | • Seeking medical help              |
| • Using seclusion & restraint        | • Administering first aid/CPR       |
| • Understanding state policy         |                                     |

### SHOULD INCLUDE

- |                       |                          |
|-----------------------|--------------------------|
| • Conflict resolution | • Social skills training |
| • Mediation           | • PBIS strategies        |

# FREQUENTLY ASKED QUESTIONS

## Are there time limits to using seclusion and/or restraint?

There are no hard and fast time limits, but the law provides that emergency seclusion or emergency restraint may not be used any longer than necessary for a student to regain control. The law states general limits for emergency seclusion of 15 minutes for an elementary school pupil or 20 minutes for a middle school or high school pupil. Emergency restraint should not exceed 10 minutes for all pupils. If an emergency seclusion or emergency restraint exceed the suggested maximum times the school must provide:

- Additional support, which may include a change of staff, or introducing a nurse, specialist, or additional key identified personnel.
- Documentation to explain the extension beyond the time limit.

## Is in-school suspension considered seclusion? What about a timeout? Can I have a student sit alone in my office or a conference room while I investigate an incident? In other words, when does separating a student from others constitute seclusion or emergency seclusion?

The definition of seclusion is specific to circumstances where a pupil is confined in a room or other space from which he or she is physically prevented from leaving. Provided your in-school suspension or timeout setting does not confine the student to a specific space AND physically prevent him or her from leaving (*e.g. a locked or latched door, a person standing in front of the door physically blocking exit, etc.*), then it is clearly not considered seclusion and thus does not fall under the restrictions and requirements of the new law. Simply telling a student that he or she may not leave a particular room does not physically prevent him or her from leaving.

## Who needs to receive awareness training?

The requirement for awareness training applies to all staff who have regular contact with pupils. This includes not just teachers and administrators, but bus drivers, subs, paraprofessionals, and anyone “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” if that person has regular contact with pupil. It may also include volunteers who are regularly in the building and have regular pupil contact. Districts should review staff assignments to determine who has enough regular contact with pupils to fall under this definition.

## How do the new requirements for key personnel interact with Crisis Prevention Institute (CPI) or similar training?

A good portion of the required training for key personnel is likely covered by Crisis Prevention Institute (CPI) or similar training provided your training is up to date. What districts need to do is review the training requirements for key identified personnel, compare them with the CPI training or other similar program, and identify the gaps. Fortunately, CPI has already done a crosswalk (<https://goo.gl/ime4Xe>) between their Nonviolent Crisis Intervention® program and the requirements of the new laws that districts can use to help identify what supplementary training to provide in order to close the gaps for their “key identified personnel.”

## Who is responsible for providing the training required by this law?

The burden to ensure that all staff are trained falls on the school. This applies to all staff currently employed by the district who need training as well as any new staff hired in the future and any third party contractors or volunteers who have regular contact with pupils. Districts may want to consider amending their contracts with third party vendors to require that they provide training for their staff or make similar arrangements to ensure that staff are trained. Principals should think about how to handle training for new staff hired mid-year or parent volunteer groups who fall under the training requirements.

## DON'T FORGET TO:

- Review IEP and BIP to ensure compliance
- Identify “key personnel”
- Provide comprehensive training to “key personnel”
- Provide staff awareness training where necessary

## RESOURCES

Michigan Department of Education Policy for the Emergency Use of Seclusion and Restraint

(Approved by the State Board of Education March 14, 2017)

[http://www.michigan.gov/documents/mde/PolicyForSeclusion-Restraint\\_564940\\_7.pdf](http://www.michigan.gov/documents/mde/PolicyForSeclusion-Restraint_564940_7.pdf)

CPI Crosswalk: Nonviolent Crisis Intervention® training and new Michigan Law

shortened link: <https://goo.gl/ime4Xe>