



Michigan Online School

Seclusion and Restraint Policy

Michigan Online School shall report to the Michigan Department of Education on the use of seclusion and restraint periodically, as directed by the Michigan Department of Education.

Training

In accordance with department guidelines, Michigan Online School shall implement a comprehensive training framework that includes:

- a. awareness training for all school personnel who have regular contact with pupils, and
- b. comprehensive training for key identified personnel

Michigan Online School will 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.

Michigan Online School 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 the following (a) to (p) and should be trained in (q) through (t):

- a. proactive practices and strategies that ensure the dignity of pupils;
- b. de-escalation techniques;
- c. techniques to identify pupil behaviors that may trigger emergency situations;
- d. related safety considerations, including information regarding the increased risk of injury to pupils and school personnel when seclusion or restraint is used;
- e. instruction in the use of emergency seclusion and emergency physical restraint;
- f. identification of events and environmental factors that may trigger emergency situations;
- g. instruction on the state policy on the use of seclusion and restraint;

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- h. description and identification of dangerous behaviors;
- i. methods for evaluating the risk of harm to determine whether the use of emergency seclusion or emergency physical restraint is warranted;
- j. types of seclusion;
- k. types of restraint;
- l. the risk of using seclusion or restraint in consideration of a pupil's known and unknown or mental health conditions or psychological limitations;
- m. the effects of seclusion and restraint on all pupils.
- n. how to monitor for and identify physical signs of distress and the implications for pupils generally and for pupils with particular physical or mental health conditions or psychological limitations;
- o. how to obtain appropriate medical assistance; p. cardiopulmonary resuscitation and first aid;
- q. conflict resolution;
- r. mediation;
- s. social skills training; and
- t. positive behavioral intervention and support strategies.

Emergency Seclusion

Seclusion is intended for the purposes of emergency situations only, 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. Emergency seclusion may not be used in place of appropriate less restrictive interventions.

"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.

"Emergency seclusion" is defined in MCL 380.1307h(e) as "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 Michigan Online 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 is not permitted:

- a. for the confinement of preschool children or of pupils who are severely self-injurious or suicidal;
- b. if the seclusion is used:
 - i. for the convenience of school personnel;
 - ii. as a substitute for an educational program;
 - iii. as a form of discipline or punishment;
 - iv. as a substitute for less restrictive alternatives;
 - v. as a substitute for adequate staffing; or
 - vi. as a substitute for school personnel training in positive behavioral intervention and support;
- c. as prohibited under MCL 380.1307b; or
- d. when contraindicated based on (as documented in a record or records made available to the school) a pupil's:
 - i. disability;
 - ii. health care needs; or
 - iii. medical or psychiatric condition.

Procedures for Emergency Seclusion

Emergency seclusion shall be performed in a manner that, based on research and evidence, is:

- a. safe;
- b. appropriate; and

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c. proportionate to and sensitive to the student's:

- i. severity of behavior;
- ii. chronological and developmental age;
- iii. physical size;
- iv. gender;
- v. physical condition;
- vi. medical condition;
- vii. psychiatric condition; and
- viii. personal history, including any history of physical or sexual abuse or other trauma.

Michigan Online 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.

Emergency seclusion should not be used any longer than necessary, based on research and evidence, to allow a pupil to regain control of his/her behavior to the point that the emergency situation necessitating the use of emergency seclusion is ended and generally no longer than:

- a. 15 minutes for an elementary school pupil or
- b. 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:

- a. additional support (which may include a change of staff, introducing a nurse or specialist, or additional key identified personnel); and
- b. documentation to explain the extension beyond the time limit.



Michigan Online School Personnel Requirements

While using emergency seclusion, school personnel must do all of the following:

- a. involve key identified personnel to protect the care, welfare, dignity, and safety of the pupil;
- b. continually observe the pupil in emergency seclusion for indications of physical distress and seek medical assistance if there is a concern;
- c. document observations; and
- d. ensure that at all times during the use of emergency seclusion there are Michigan Online School personnel present who can communicate with the pupil using the pupil's primary mode of communication.

Documentation and Reporting

Each use of seclusion and the reason for each use shall be:

- a. documented in writing and reported in writing or orally to the Michigan Online School administration and the pupil's parent or guardian immediately; and
- b. documented in a written report for each use of seclusion (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.

After any use of seclusion, Michigan Online 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.

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, Michigan Online School personnel are encouraged to do all of the following:

- a. conduct a functional behavioral assessment;
- b. develop or revise a positive behavioral intervention and support plan to facilitate the elimination of the use of seclusion;

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c. develop an assessment and planning process conducted by a team knowledgeable about the pupil, including at least:

- i. the parent or guardian;
- ii. the pupil (if appropriate);
- iii. the individuals responsible for implementation of the positive behavioral intervention and support plan; and
- iv. individuals knowledgeable in positive behavioral intervention and support.

Emergency Intervention Plan

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, Michigan Online 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 an individual knowledgeable about the use of positive behavioral intervention and support to eliminate the use of seclusion. The emergency intervention plan should be developed and implemented by taking the following documented steps:

- a. describe in detail the emergency intervention procedures;
- b. describe in detail the legal limits on the use of emergency seclusion, including examples of legally permissible and prohibited use; c. make inquiry to the pupil's medical personnel, with parental consent, regarding any known medical or health contraindications for the use of emergency seclusion;
- d. conduct a peer review by knowledgeable Michigan Online School personnel; and
- e. provide the parent or guardian with all of the following, in writing and orally:
 - i. 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;
 - ii. an explanation of what constitutes an emergency situation as defined in MCL 380.1307h, including examples of situations that would fall within the definition and situations that would fall outside the definition;



- iii. a detailed explanation of the intervention procedures to be followed in an emergency situation, including the potential use of emergency seclusion;
- iv. a detailed explanation of the legal limits on the use of emergency seclusion, including examples of legally permissible and prohibited use;
- v. a description of possible discomforts or risks; and
- vi. answers to any questions.

A pupil who is the subject of an emergency intervention plan should be told or shown the circumstances under which emergency seclusion could be used. Emergency seclusion must only be used in response to an ongoing emergency situation and not as a planned response for the convenience of Michigan Online 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.

Data Collection

Michigan Online School shall collect and report data regarding the use of seclusion. The data should:

- a. be analyzed to determine the efficacy of the Michigan Online School's schoolwide system of behavioral support;
- b. be analyzed in the context of attendance, suspension, expulsion, and dropout data;
- c. be analyzed for the purposes of continuous improvement of training and technical assistance toward the elimination of seclusion;
- d. be analyzed on a schedule determined by the MDE; and
- e. be electronically reported to the MDE.
- f. include a list of appropriately-trained key identified Michigan Online School personnel and their levels of education; training; and knowledge.

This request for information that is currently reported to the Center for Education Performance and Information (CEPI) satisfies this requirement.

Prohibited Practices

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The following practices are prohibited for Michigan Online School personnel in the public schools of this state under all circumstances, including emergency situations:

- a. Corporal punishment, as defined in MCL 380.1312.
- 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. 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.
 - ii. 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.
- i. Prone restraint.
- j. Physical restraint, other than emergency physical restraint.
- k. Any other type of restraint.

Emergency Physical Restraint

Physical restraint is intended for the purposes of emergency situations only, 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. Emergency physical restraint may not be used in place of appropriate less restrictive interventions.



“Restraint” means an action that prevents or significantly restricts a pupil’s movement.

- a. “Physical restraint” means restraint involving direct physical contact.
- b. “Chemical restraint” means the administration of medication for the purpose of restraint.
- c. “Mechanical restraint” means the use of any device, article, garment, or material attached to or adjacent to a pupil’s body to perform restraint.

Restraint does not include:

- a. the brief holding of a pupil in order to calm or comfort;
- b. the minimum contact necessary to physically escort a pupil from one area to another;
- c. 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
- d. 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:

- a. the administration of medication prescribed by and administered in accordance with the directions of a physician;
- b. an adaptive or protective device recommended by a physician or therapist when it is used as recommended; or
- c. 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:

- a. to break up a fight;
- b. to stop a physical assault, as defined in MCL 380.1310(b); or
- c. 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.

“Emergency physical restraint” is defined in MCL 380.1307h(d) as “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 is not permitted:

- a. if the physical restraint is used:
 - i. for the convenience of Michigan Online School personnel;
 - ii. as a substitute for an educational program;
 - iii. as a form of discipline/punishment;
 - iv. as a substitute for less restrictive alternatives; v. as a substitute for adequate staffing;or
 - vi. as a substitute for Michigan Online School personnel training in positive behavioral intervention and support;
- b. as prohibited under MCL 380.1307b; or
- c. when contraindicated based on (as documented in a record or records made available to the school) a pupil’s:
 - i. disability;
 - ii. health care needs; or
 - iii. medical or psychiatric condition.

General Procedures for Emergency Restraint

Emergency physical restraint shall be performed in a manner that, based on research and evidence, is:

- a. safe;
- b. appropriate; and
- c. proportionate to and sensitive to the pupil’s:

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- i. severity of behavior;
- ii. chronological and developmental age;
- iii. physical size;
- iv. gender;
- v. physical condition;
- vi. medical condition;
- vii. psychiatric condition; and
- viii. personal history, including any history of physical or sexual abuse or other trauma.

Michigan Online School personnel shall call key identified Michigan Online School personnel for help from within the 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.

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:

- a. additional support (which may include a change of staff, or introducing a nurse, specialist, or additional key identified personnel); and
- b. documentation to explain the extension beyond the time limit.

Documentation form:

https://www.michigan.gov/documents/mde/SeclusionRestraint_DocumentationForm_599227_7.pdf

Michigan Online School Personnel Requirements

While using emergency physical restraint, Michigan Online School personnel must do all of the following:

- a. involve key identified personnel to protect the care, welfare, dignity, and safety of the pupil;

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- b. continually observe the pupil in emergency physical restraint for indications of physical distress and seek medical assistance if there is a concern;
- c. document observations;
- d. 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; and
- e. ensure that at all times during the use of emergency physical restraint there are school personnel present who can communicate with the pupil using the pupil's primary mode of communication.

Documentation and Reporting

Each use of restraint and the reason for each use shall be:

- a. documented in writing and reported in writing or orally to the Michigan Online School administration and the pupil's parent or guardian immediately; and
- b. documented in a written report for each use of 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.

Documentation form:

https://www.michigan.gov/documents/mde/SeclusionRestraint_DocumentationForm_599227_7.pdf

After any use of restraint, Michigan Online 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.

Reoccurring Behavior

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 physical restraint, Michigan Online School personnel are encouraged to do all of the following:

- a. conduct a functional behavioral assessment;

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- b. develop or revise a positive behavioral intervention and support plan to facilitate the elimination of the use of restraint;

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

Emergency Intervention Plan

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 physical restraint, Michigan Online 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 physical restraint, and an individual knowledgeable about the use of positive behavioral intervention and support to eliminate the use of restraint. The emergency intervention plan should be developed and implemented by taking all of the following documented steps:

- a. describe in detail the emergency intervention procedures;
- b. describe in detail the legal limits on the use of emergency physical restraint, including examples of legally permissible and prohibited use;
- c. make inquiry to the pupil's medical personnel, with parental consent, regarding any known medical or health contraindications for the use of emergency physical restraint;
- d. conduct a peer review by knowledgeable school personnel; and
- e. provide the parent or guardian with all of the following, in writing and orally:
 - i. 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;



ii. an explanation of what constitutes an emergency situation as defined in MCL 380.1307h, including examples of situations that would fall within the definition and situations that would fall outside the definition;

iii. a detailed explanation of the intervention procedures to be followed in an emergency situation, including the potential use of emergency physical restraint;

iv. a detailed explanation of the legal limits on the use of emergency physical restraint, including examples of legally permissible and prohibited use;

v. a description of possible discomforts or risks; and

vi. answers to any questions.

A pupil who is the subject of an emergency intervention plan should be told or shown the circumstances under which emergency physical restraint could be used. Emergency physical restraint must only be used in response to an ongoing emergency situation and not as a planned response for the convenience of Michigan Online 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 physical restraint.

Data Collection

Michigan Online School shall collect and report data regarding the use of restraint. The data should:

a. be analyzed to determine the efficacy of the Michigan Online School's school-wide system of behavioral support;

b. be analyzed in the context of attendance, suspension, expulsion, and dropout data;

c. be analyzed for the purposes of continuous improvement of training and technical assistance toward the elimination of restraint;

d. be analyzed on a schedule determined by the MDE; and

e. be reported to the MDE.

f. include a list of appropriately-trained key identified personnel and their levels of education; training; and knowledge.



This request for information that is currently reported to the Center for Education Performance and Information (CEPI) satisfies this requirement.

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- g. Chemical restraint.
- h. Any restraint that negatively impacts breathing.
 - i. 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.
 - ii. 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.
- i. Prone restraint.
- j. Physical restraint, other than emergency physical restraint.
- k. Any other type of restraint.