



## Essentials

# 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**

#### **380.1307 Use of seclusion and restraint in public schools**

##### **380.1307 - uniform policy; objectives; right or remedy under state or federal law.**

Include an official statement of values regarding seclusion and restraint.

(1) Extend the policy to all public and private schools.

(1a) Require schools to distribute the parent document to parents.

(1b) Require the department to create and maintain a monitoring, oversight, and enforcement system including 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
- Rubric for evaluating approaches; reviewed annually
- List of department approved approaches; updated annually
- List of department approved less restrictive interventions
- Parent document
- Electronic complaint form; available online to the public
- Detailed guidance and support resources including research and evidence
- Statewide network of educator support for department approved approaches
- Effective corrective action process for schools that are not meeting expectations

(1c) Require that seclusion and physical restraint only be used by Key Identified Personnel (KIP) and that all KIP (including school resource officers) follow seclusion and restraint law.

##### **380.1307a - Adoption and implementation of local policy; noncompliance as violation of act.** Change the word “guidelines” to offer detailed guidance that is binding.

Expand the responsibility to comply with this law to school systems.

##### **380.1307b - Statement of prohibited practices.**

Add seclusion or restraint by an individual that is not a Key Identified Personnel, all forms of involuntary seclusion (including solitary & isolated), and unnecessary restraint (including full, extended, & restraint escorts).

**380.1307c - State policy; provisions.**

- (a) Clarify that an emergency situation involves imminent risk of serious physical injury.
- (b) Define adequate voluntary sensory gyms and calming spaces per population.
- (e) Require all substitute teachers to complete the virtual basic awareness training.
- (f, g) Clarify that seclusion & restraint do not help pupils regain control of their behavior.
- (hii) Add psychological distress to the indicators of concern.

**380.1307d - Documentation and reporting of seclusion and restraint**

- (a) Require same day electronic reporting by key identified personnel.
- (c) Quantify “pattern of behavior”.
- (ci) Allow use of other tools to determine the underlying cause of escalation.
- (cii) Define elimination and require the plan to be revised if elimination is not on track.
- (ciii) Require an evaluation of the current disciplinary system and behavior plan.

**380.1307e - Development and implementation of emergency intervention plan**

- (a) Quantify “pattern of behavior”.

**380.1307f - Data collection**

- (c) Include race, age, grade, gender, disability status, and reason; available to the public.

**380.1307g Training**

- (a) Require biannual virtual basic awareness training for all fingerprinted individuals including staff, administrators substitutes, student teachers, school resource officers, coaches, contractors, and volunteers.
- (a) Make this basic awareness training available to the public for free.
- (a) Require schools to provide continuous, comprehensive training, coaching, and support to staff including the school’s chosen approved approaches.
- (a) Require teacher preparation programs to teach approved approaches.
- (b) Require key identified personnel to complete the virtual data collection training biannually.
- (b) Define “sufficient key personnel.”
- (b) Define a minimum number of support personnel per student population.
- (b) Create a network of support and make it available to all educators.

**380.1307h Definitions.**

Update “seclusion,” and “restraint” to match CRDC, update “emergency situation,” “emergency seclusion,” “emergency physical restraint,” and add “serious physical injury,” “time out,” “solitary seclusion,” “isolated seclusion,” “voluntary calming space,” “voluntary sensory gym,” “necessary brief-hold restraint,” “full restraint,” “extended restraint,” “gentle escort,” and “restraint escort.”

## Guidance

Require the department to produce detailed guidance and support resources including:

- Detailed explanations with examples of what is and what is not permitted.
- List with examples of department approved less restrictive interventions.
- List of department approved approaches for schools to choose from.
- Example exemplary emergency intervention plans (EIP).
- Definitions of adequate voluntary sensory gyms and voluntary calming spaces.
- Research and evidence surrounding the use of seclusion and restraint.
- What physical, psychological, and emotional distress looks like and how to respond.
- Examples of patterns of behavior that pose a substantial risk of creating an emergency situation.
- Explanation with examples of what is and what is not serious physical injury.
- Methods for evaluating imminent risk of serious physical injury
- Expectations for teacher preparation programs to teaching basic awareness of seclusion and restraint law, trauma, and approved approaches.

## Short-Term Funding

Provide temporary funding to schools to:

- Convert seclusion rooms so they may no longer be used for seclusion.
- Provide adequate sensory gyms and voluntary calming spaces to students.
- Transition to approved approaches; tools, materials, training, and support.

Provide temporary funding to the department to establish a monitoring, oversight, and enforcement system including creating and maintaining all required tools.

Provide temporary funding for the “Do No Harm” data project

## Long-Term Funding

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

Provide long-term funding to maintain the monitoring, oversight, and enforcement system.

## THE 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