
POSITION STATEMENT

EndSaR

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POSITION STATEMENT

Seclusion and Restraint are **dangerous and traumatic**¹ practices that can have very serious consequences, including death. Not only is there no evidence that they are effective in reducing problem behaviors², but there is evidence of deteriorated student-teacher relationships³, **increased behavior problems**⁴, and they can be a denial of a Free Appropriate Public Education (FAPE).⁵ Repeated use of seclusion and restraint should be viewed as strong evidence of **treatment failure**.⁶

Involuntary seclusion is a form of **solitary confinement**, depriving children of co-regulation and supportive connection when they need it the most. Solitary confinement has been linked to increased risk of **suicide**, self-harm, anxiety, depression, mental and physical deterioration, paranoia, **aggression**, and a **significant risk of death**.⁷ Involuntary seclusion is part of the school to prison pipeline, should not be used on children, and has no place in our public schools.

Michigan students have died as the result of being restrained by trained staff and therefore, restraint is a **potentially deadly force**. Restraint should only be used in dangerous emergencies or life-threatening situations. Extreme effort should be made to prevent dangerous emergencies and life-threatening situations and therefore, the use of restraint in schools should be exceptionally rare.

Because of the risk of damage to the physical, social, mental, and emotional health of both students and educators:

- Involuntary seclusion should never be used in Michigan schools with any student for any reason.
- Restraint should only be used in dangerous emergencies or life threatening situations. Extreme effort should be made to prevent dangerous emergencies and life threatening situations and therefore, the use of restraint in Michigan schools should be exceptionally rare.

1) "In fact, seclusion and restraint are dangerous and traumatic not only to the individuals subjected to these practices, but also for the staff implementing them." - [U.S. Department of Health & Human Services: Substance Abuse & Mental Health Service Admin \(SAMHSA\) Brief #1](#)

2) "Furthermore, there continues to be no evidence that using restraint or seclusion is effective in reducing the occurrence of the problem behaviors that frequently precipitate the use of such techniques." - [U.S. Department of Education - Restraint & Seclusion: Resource Doc](#)

3) "The forceful assertion of another person's will over one's own, along with the loss of control over one's body and environment, generates very negative emotions and has deep psychological and traumatic impacts on people." - [Strategies to End Seclusion and Restraint: WHO Quality Rights Specialized Training](#)

4) "Moreover, some studies indicate that seclusion and restraint use leads to an increase in the behaviors that staff members are attempting to control or eliminate." - [U.S. Department of Health and Human Services: Substance Abuse and Mental Health Service Administration \(SAMHSA\) Brief #1](#)

5) "A school's use of restraint or seclusion may have a traumatic impact on a student, such that even if she were never again restrained or secluded, she might nevertheless have new academic or behavioral difficulties that, if not addressed promptly, could constitute a denial of FAPE." - [Fact Sheet: Restraint and Seclusion of Students with Disabilities - U.S. Department of Education Office of Civil Rights](#)

6) "Restraint and Seclusion in Public Schools: Ethical Issues, Risks, and How to Protect Children from Adult-Inflicted Harm" <https://mtb.msu.domains/restraint/supplementary-materials-from-restraint-and-seclusion-in-public-schools/>

7) The body in isolation: The physical health impacts of incarceration in solitary confinement <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0238510>

RATIONALE

Michigan has made progress in attempting to limit the use of seclusion and restraint in its schools. In 2016, the state of Michigan adopted Public Act 394 of 2016 which restricts the use of seclusion and restraint⁸. This law was followed by the State Board of Education issuing policy and guidance to local school districts on how to limit seclusion and restraint in school settings.⁹

A Detroit Free Press series in 2022 highlighted how, despite this law and its requirements, the techniques have still been used at least 94,000 times since¹⁰ and now that number is up to 128,095¹¹.



All data was compiled from [Michigan's Center for Educational Performance and Information](#), Use of Seclusion and Restraint: ISD School Year Totals from multiple years (accessed August, 2024)

While the total number of seclusions and restraints dipped down in 2020-21, likely due to pandemic school closures, the numbers are back up to the 2nd highest year on record for the 2022-23 school year.

- The 2016-17 law is not having the intended impact of reducing the numbers of seclusions and restraints used in Michigan schools.

During the 2022-23 school year, 91% of restraints & 95% of seclusions were used on students with disabilities who make up only about 14% of the population.

- Likely, many of the interactions that precede the use of seclusion and restraint are manifestations of students' disabilities, complex needs, and chronic stress.

8) Michigan Compiled Law ([MCL Sections 380.1307-380.1307h](#))

9) A link to the policy can be found on [Michigan Department of Education's Health and Safety page](#)

10) The first article of the series, called "[Trapped & Traumatized,](#)" can be found on the Detroit Free Press Page

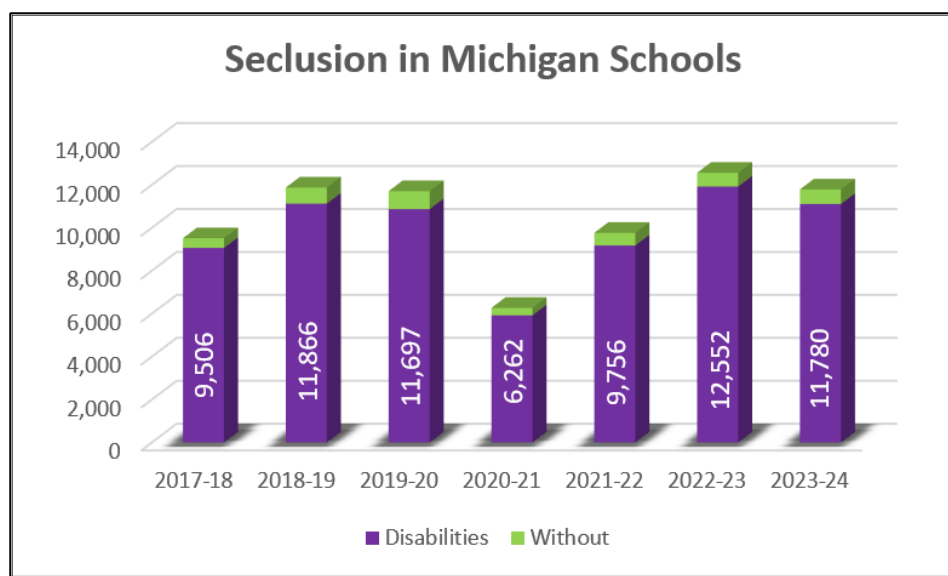
11) All data was compiled from [Michigan's Center for Educational Performance and Information](#), Use of Seclusion and Restraint: ISD School Year Totals from multiple years (accessed August, 2024)

12) See Appendix A & B on pages 14-15 for more data

Michigan 2022-23 School Year	Students with Known Disabilities		Students without Known Disabilities		Total S+R	Average Use per Day
	Seclusions	Restraints	Seclusions	Restraints		
State Total	11,910	9,076	642	934	22,562	125.3
Barry ISD	663	531	0	0	1,194	6.6
Genesee ISD	453	530	0	0	983	5.5
Montcalm Area ISD	850	92	0	0	942	5.2
Lake Orion Community Schools	376	234	13	15	638	3.5
Washtenaw ISD	459	165	0	0	624	3.5
Ottawa Area ISD	276	310	0	1	587	3.3
Jenison Public Schools	168	236	46	84	534	3.0
Ann Arbor Public Schools	290	208	11	10	519	2.9
Hazel Park, School District of the City of	392	92	1	1	486	2.7
Saline Area Schools	185	276	1	18	480	2.7
Berrien RESA	249	195	0	0	444	2.5
St. Joseph County ISD	326	111	0	0	437	2.4
Kent ISD	308	105	0	1	414	2.3
Van Buren ISD	239	129	0	0	368	2.0

Thirty-five districts reported using seclusion or restraint on average at least once every school day during the 2022-23 school year. The individual students with disabilities from some of these districts are experiencing seclusion or restraint on a bi-weekly, weekly, or even daily basis on average.

- Seclusion and restraint are likely being used unlawfully in some schools; outside of emergency situations, for the purposes of discipline and behavior modification.
- Some staff members have not been given adequate access to training, support, resources, effective approaches to behaviors and understanding of trauma to prevent crisis situations.



The reported use of seclusion in Michigan was the highest on record in 2022-23.

The laws have not resulted in a decrease in the use of seclusion and restraint as intended and therefore, it is necessary to revisit Michigan's seclusion and restraint laws to evaluate their efficacy and to make changes to ensure the results that were originally intended.

PROPOSED POLICY CHANGES

Student Advocacy

Pages 5-6

Require that all adults who interact with students complete a Basic Awareness Training Module

Publish guidelines for identifying and supporting vulnerable students to prevent crisis situations

Secure funding for all schools to provide adequate sensory gyms and voluntary calming spaces

Educator Support

Pages 6-8

Identify and increase access to Equitable Approaches that reduce seclusion and restraint

Create a statewide network of educator support specific to meeting the needs of vulnerable students

Secure funding to ensure that all educators have full time access to adequate support personnel

Publish guidance to clarify all of MCL 380.1307 including commentary, examples, and alternatives

Parent/Guardian Education and Resources

Page 8

Require schools to provide a Seclusion and Restraint Parent Document to parents and guardians

Create a user-friendly form to report concerns through a state level monitoring system

Quality Control

Pages 8-9

Secure funding to create state level monitoring & support system

Increase the quality and quantity of data collection and ensure free public access to aggregated data

Legislative Change

Pages 10-13

Add a statement of purpose to the beginning of MCL 380.1307 for clarification

Update the definition of "emergency situation" in MCL 380.1307h to match the U.S. Department of Ed.

Add the legal definition of "serious physical harm" to MCL 380.1307h to provide clarity

Update the definitions of "seclusion" and "emergency physical restraint" in MCL 380.1307h for clarity

Update parts of MCL 380.1312 that are contradictory to MCL 380.1307

Add all forms of involuntary seclusion to the "statement of prohibited practices" in MCL 380.1307

POLICY CHANGE DETAILS

Require that all adults who interact with students complete a Basic Awareness Training Module

- Ensure that all adults who interact with students¹³ understand MCL 380.1307 (Michigan's laws involving seclusion and restraint in schools) and the risks associated with the use of seclusion and restraint by requiring that all adults who interact with students periodically¹⁴ complete a basic awareness training module that includes a basic overview of:
 - Basic Trauma Awareness: What it is, what it is not, key elements of trauma, and how trauma manifests in student behavior and interactions
 - Equitable¹⁵ Approaches: Trauma informed¹⁶, neuroscience aligned¹⁷, relationship based¹⁸, collaborative¹⁹, effective educational approaches
 - MCL 380.1307: Michigan's laws addressing seclusion and restraint in schools

Publish guidelines for identifying and supporting vulnerable students to prevent crisis situations:

- Michigan law currently requires schools to create an Emergency Intervention Plan (EIP)²⁰ only after "a pattern of behavior that poses a substantial risk of creating an emergency situation in the future that could result in emergency seclusion or restraint". This is a reaction to a pattern of crisis situations and that is much too late to be effective in preventing the use of seclusion and restraint. Emergency Intervention Plans must be preventive and must be made proactively for vulnerable²¹ students.
 - Require a collaborative, preventive Emergency Intervention Plan (EIP) to be updated during the first 6 weeks of the school year for all vulnerable²¹ students.

13) **Adults who interact with students:** Including, but not limited to, volunteers, paraprofessionals, recess and lunch room monitors, bus drivers and bus support staff, custodians, coaches, extra-curricular program leaders, nurses, media specialists, technology staff, office staff, teacher aides, substitute teachers, and student teachers, including contracted service providers

14) **Periodically:** Before starting service and biannually afterward (for individuals whose position does not require certification) or upon renewal of certification (for individuals whose position requires certification)

15) **Equitable:** In equitable situations, every person involved takes responsibility for their part. That includes the adults who interact with students; the mindset they held, the assumptions they made, the environment they provided, the verbal and non-verbal communication that they used, the actions they took and those they didn't take, and the relationships they cultivated that impacted student behavior. The power differential between children and adults needs to be taken into consideration in equitable situations, as does the power differential between schools and families.

16) **Trauma informed:** Awareness of the prevalence & impacts of trauma, the factors of experiences that are likely to result in trauma, the factors that help stressful situations from becoming traumatic, & how trauma manifests in student interactions

17) **Neuroscience aligned:** Informed by the polyvagal theory and the impacts of nervous system states on functioning

18) **Relationship based:** Prioritizing building and maintaining safe and trusting relationships between adults and children

19) **Collaborative:** Problem solving with others, including the vulnerable student(s) and their allies and parents/guardians

20) **EIP** is also referred to as a Behavior Intervention Plan (BIP) in the Individuals with Disabilities Education Act (IDEA)

21) **Vulnerable Student:** Any student who has been secluded or restrained in the past, who has exhibited aggressive, explosive, or eloping behavior in the recent past 2 school years including (Hitting, kicking, flailing, throwing, yelling, threatening, running away), who is known to have aggressive or explosive post-traumatic stress symptoms, or who has been identified as having severe behavior problems by a parent, an outside provider, or a coordinating organization.

**Publish guidelines for identifying and supporting vulnerable students to prevent crisis situations:
(continued)**

- Preventive EIPs must be unique to each student, including de-escalation and regulating strategies that are specific to each student. Vulnerable students must be consulted in the individual planning of regulating techniques. The techniques must be practiced with students and their responses to different strategies documented, voluntary calming spaces must be visited with vulnerable students, sensory activities must be practiced, and trusting relationships must be formed with adults during regulated times so that staff know what is and is not effective with individual students before a crisis situation is reached.
- Educators must avoid using the following with vulnerable students: Yelling, harsh or raised voices, rigid expectations, shaming

Secure funding for all schools to provide adequate sensory gyms and voluntary calming spaces:

- Provide funding to all schools so that they can provide:
 - Adequate approved sensory gyms²² and adequate approved voluntary calming spaces²³
 - Produce guidelines for the use of sensory gyms and voluntary calming spaces; they are not rewards to be earned for compliance nor places that students are required to go. They are considered necessary accommodations for vulnerable students to use freely in order to function in school and prevent aggressive meltdowns where students can leave at will.
 - Sensory gyms and voluntary calming spaces must be monitored by cameras and adults who are trained in trauma informed practices.

Identify and Increase access to Equitable Approaches that reduce seclusion and restraint²⁴

- Maintain a list of Approved Educator Approaches to Student Interactions that are trauma informed, neuroscience aligned, relationship based, collaborative, effective educator training options that school districts can choose from.
- Require that all districts provide educators²⁵ with regular,²⁶ in-depth training in Approved Educator Approaches to Student Interactions.

22) **Adequate approved sensory gyms:** as defined by a team of occupational therapists including minimum dimensions for sensory gyms, number of gyms required per student population, and rubric for content options.

23) **Adequate approved voluntary calming spaces:** as defined by a team of pediatric psychologists including minimum dimensions for sensory gyms, number of gyms required per student population, and rubric for content options.

24) See definitions 13-17 on page 5

25) **Educators:** those who participate in the design and implementation of educational programming including, but not limited to administrators, teachers, paraprofessionals, counselors, speech therapists, social workers, occupational therapists,

26) **Regular:** The U.S. Department of Education states that "At a minimum, training on the use of physical restraint and seclusion and effective alternatives should be provided at the beginning and middle of each school year."

Create a statewide network of educator support specific to meeting the needs of vulnerable students:

- Create a statewide network of educator support resources specific to meeting the needs of vulnerable students in order to prevent meltdowns and crisis situations that lead to the use of seclusion and restraint.
 - Create state, ISD, and district level crisis prevention and response teams to offer emergency situation intervention, mentoring,²⁷ and access to peer support groups²⁸ at the district and ISD levels in order to:
 - Support educators during crisis situations so that approved techniques can be implemented and seclusion and restraint can be avoided
 - Practice and trouble shoot trauma-informed, neuroscience aligned, relationship-based collaborative, approaches to education so that they have the confidence to meet the complex needs of vulnerable students in order to prevent meltdowns and crisis situations
 - Replace punitive,²⁹ exclusionary,³⁰ shaming,³¹ compliance-based³² practices that tend to trigger the behaviors that lead to the use of seclusion and restraint.

Secure funding to ensure that all educators have full time access to adequate support personnel

- Ensure that all educators have full time³³ access to adequate support personnel³⁴
 - This includes, but is not limited to, school psychologist, school social worker, and behavior specialist trained in trauma-informed, neuroscience aligned, relationship based, collaborative, effective educational approaches that are proven to prevent meltdowns and crisis situations that tend to lead to the use of seclusion, restraint, and other exclusionary measures (as opposed to punitive, exclusionary, shaming, and compliance-based approaches that tend to increase the use of seclusion and restraint and other exclusionary measures).

27) **Mentoring:** access to advice from other educators who have been successful in preventing crisis situations

28) **Peer Support Groups:** Voluntary in-person or virtual sessions where educators can discuss difficult situations and get help from peers or experts

29) **Punitive:** Practices that seek to punish behaviors rather than eliminate the need for them by solving problems proactively

30) **Exclusionary:** Practices, such as suspension or seclusion, that remove a student from an educational setting and can contribute to a denial of a Free Appropriate Public Education (FAPE) to which students with disabilities are entitled by law

31) **Shaming:** Practices that are intended to make a student feel ashamed such as comparing their behavior to a younger person or a baby, reprimanding a student in front of their peers, punishing the class for one student's behavior, or using phrases such as, "what's wrong with you?"

32) **Compliance-based:** Practices aimed at controlling and gaining compliance rather than meeting student needs or addressing the root of the problem that is causing the unwanted behaviors that adults are trying to control

33) **Full Time:** During all school hours of operation plus 1 hour past dismissal for the day on regular school days

34) **Adequate Support Personnel:** All vulnerable students need support from a team of qualified adults who know them and are available to assist teachers whenever vulnerable students are present. Teachers should be able to rely on support personnel to maintain positive relationships with their vulnerable students, be available to connect with students on a regular basis and especially when teachers feel unable to connect.

Publish guidance to clarify all of MCL 380.1307 including commentary and examples:

- MCL 38.1307 is complicated. Some educators are confused about what constitutes a seclusion, a restraint, or an emergency situation. Some schools do not follow all of the requirements in the law.
- Publish guidance to clarify all of MCL 380.1307, including commentary and examples.
 - Definition of seclusion with examples including what constitutes physically preventing a student from leaving and the psychological effects of feeling physically trapped by a care provider
 - Definition of restraint with examples of when preventive protocols must be followed and when they do not need to be; a child running out in front of a car, having a weapon, or in the act of impulsively trying to hurt another student or oneself
 - Definition of emergency situation with examples including when restraint is and is not justified

Require schools to provide a Seclusion and Restraint Parent Document to parents and guardians:

Produce a document for parents and guardians to understand the laws around seclusion and restraint and what to do if they have concerns about how they are being used with their child including how to report a complaint, what questions to ask a school to understand what experience their child has had, and how to get their child appropriate therapy to process the experience of being secluded or restrained.

- [Michigan Alliance for Families](#) has produced a [parent document](#) for this purpose and it has been approved by the Michigan Department of Education.
- Require schools to offer a physical or electronic copy of the parent document to:
 - All parents or guardians at the beginning of every school year, at every IEP and 504 meeting, and at the required follow-up meeting every time a student is secluded or restrained

Create a user-friendly form to report concerns through a state level monitoring system:

Create a user-friendly complaint system for parents, guardians, educators, attorneys, and advocates to report concerns (see below for state level monitoring system).

Secure funding to create a state level monitoring and support system:

- Create a system to enforce school compliance to MCL 380.1307 including proper reporting, systematic reduction of their use of seclusion and restraint, development of EIPs
 - Ensure that all districts are providing regular approved training to their educators
 - Audit seclusion and restraint data to ensure that seclusion and restraint are not being overused³⁵

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35) **Overused:** used more than 1 or 2 times on a single child, multiple times within the same classroom, or by the same educator [U.S. Department of Education - Restraint and Seclusion: Resource Document](#) "When restraint or seclusion is repeatedly used with a child, used multiple times within the same classroom, or used multiple times by the same individual, a review of the student's BIP should occur, the prescribed behavioral strategies should be modified, if needed; and staff training and skills should be re-evaluated." Principal #8, page 17

Secure funding to create a state level monitoring and support system:

(continued)

or misused,³⁶ that schools are systematically reducing their use of seclusion and restraint³⁷, and that seclusion and restraint are not being used disproportionately on any group by age, disability, race, access to spoken language, etc.

- Investigate complaints
- Define and Enforce Supportive Action³⁸ when schools are found in violation of the law

Increase the quality and quantity of data collection and ensure free public access to data:

- Currently, many districts across Michigan are using their own forms to document seclusions and restraints and then report them to the state at the end of each quarter. As a result, methods of data collection used by districts across the state are inconsistent and quarterly data is sometimes inaccurate. In addition, citizens who have used the FOIA to request copies of school data have been denied access or charged excessive fees to gain access to the data³⁹.
- Create a digital form (to replace individual districts' own forms) to be completed by educators within 24 hours of the use of seclusion or restraint. This will create a uniform system to ensure consistency across districts and immediate reporting without creating more work for educators⁴⁰.
- Create a seclusion and restraint dashboard to ensure accuracy and transparency of data. Information from the digital forms will be compiled into a state database in real time and visible on the public dashboard periodically, with all necessary aggregation to protect student privacy.
- Include general statistics on age/grade, race, ethnicity, primary language, gender identity, disability, primary communication method (language or device), placement (general education, resource room, center-based program), and free or reduced lunch in data collection.

36) **Misused:** Used unlawfully, in a way that is prohibited by law, for example: in a situation other than an emergency, for the purpose of discipline or behavior modification, failing to analyze school data to evaluate the efficacy of the schoolwide system of support, in the context of attendance, suspension, expulsion, and dropout data, as a form of discipline or punishment, as a substitute for less restrictive alternatives, when contraindicated based on a pupil's disability, health care needs, or medical or psychiatric condition, or without being followed by proper documentation, follow-up meeting, or a change to Positive Behavior Interventions and Supports (PBIS).

37) **Systematic reduction of seclusion and restraint:** as required by MCL 380.1307e

38) **Supportive Action:** Advise change to policies, personnel, or environments, consult with specialists (such as pediatric psychologists and trauma therapists), follow-up to make sure that seclusions and restraints are not repeated

39) The Detroit Free Press used the FOIA to request documents from 47 school districts around Michigan. Twelve districts replied with data, 6 denied their request, Kentwood Public Schools said the data did not exist, 2 never responded, and 26 districts responded with invoices ranging from \$167 to \$19,740 for the documents. See the article at -

<https://www.freep.com/story/news/education/2022/11/01/michigan-schools-restraint-seclusion-records-fees/69594148007/>

40) A model form already exists, and schools are already required to use either the model form or their own equivalent. This proposal will not only require all schools to use the same form, but also collect the data immediately, ensuring that quarterly data matches the real time data. - https://www.michigan.gov/-/media/Project/Websites/mde/specialeducation/policies/SeclusionRestraint_DocumentationForm.pdf?rev=ffc7cb7c51564c2e8092d48a9f721137

Add a statement of purpose to the beginning of MCL 380.1307 for clarification:

- Proposed statement of purpose: The state of Michigan acknowledges that all forms of involuntary seclusion and restraint are physically dangerous to students and staff because they may involve physical struggling, pressure to the chest, or other interruptions in breathing, especially in emergency situations when stress levels are high. Specifically, physical restraint is potentially life threatening and Michigan students have died as a result of being physically restrained by trained professionals⁴¹. The state further acknowledges that all forms of involuntary seclusion and restraint are psychologically dangerous because individuals can be severely traumatized during seclusion or restraint and it is impossible for staff to observe whether or not a student is having an experience that will result in trauma symptoms. In addition, involuntary seclusion and emergency physical restraint deteriorate relationships between students and staff, make it more difficult for students to feel safe in school, and can lead to increased behavior problems, all of which are barriers to students' ability to access education. Therefore, involuntary seclusion and restraint can never be considered entirely safe and the use of involuntary seclusion or emergency physical restraint, even once, and can be a denial of a Free Appropriate Public Education (FAPE).

For the reasons stated above, the state of Michigan acknowledges that the use of emergency seclusion and emergency physical restraint are unsafe. The crisis situations that have led to the use of involuntary seclusion and physical restraint in the past can be prevented by creating school environments in which students feel safe and their physical, psychological, social, and emotional needs are met. Extreme effort shall be made to prevent emergency situations and therefore the use of involuntary seclusion or physical restraint should be exceptionally rare.

Change to the definition of "emergency situation" in MCL 380.1307h:

- The current definition of emergency situation in MCL 380.1307h is too vague and is not consistent with the [U.S. Department of Education Restraint and Seclusion: Resource Document](#) nor the national [Keeping All Student Safe Act \(KASSA\)](#). The current definition could be interpreted to include a kindergartner kicking a teacher, which should not be a justification for using seclusion or a potentially life-threatening restraint.
- Proposed Changes: "Emergency situation" means a situation in which a pupil's behavior poses imminent **danger of serious physical harm to risk to the safety of the individual pupil or to another individual the safety of others and other interventions are ineffective**. An emergency situation requires an immediate intervention **and ends as soon as the imminent danger of serious physical harm to self or others has dissipated**.

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41) CT Insider: 'He didn't deserve that': [Remembering young people who've died from restraint and seclusion](#)

Change to the definition of “emergency situation” in MCL 380.1307h:

(continued)

- Principal 3 in the [U.S. Department of Education Restraint and Seclusion: Resource Document](#) states “Physical restraint or seclusion should not be used except in situations where the child’s behavior poses imminent danger of serious physical harm to self or others and other interventions are ineffective and should be discontinued as soon as imminent danger of serious physical harm to self or others has dissipated.”
- The [Keeping All Student Safe Act \(KASSA\)](#) states, “The student’s behavior poses an imminent danger of serious physical injury to the students, program personnel, a school security guard, law enforcement officer, or another individual.”
- The legal definition of “[serious physical injury](#)” is: “an injury that is (a) life threatening; (b) results in permanent impairment of a bodily function or permanent damage to a body structure; or (c) necessitates medical or surgical intervention to preclude permanent impairment of a bodily function or permanent damage to a body structure.”

Add the legal definition of “serious physical harm” to MCL 380.1307h to provide clarity:

- The legal definition of “[serious physical harm](#)” is: “bodily injury that involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.”

Clarify by updating the definitions of “seclusion” & “emergency physical restraint” in MCL 380.1307:

- The current definition of seclusion is often confused with other definitions that require that students are alone to be considered seclusion. However, even with adults present, seclusion is often traumatic to students if the adults are ignoring their pleas to get out, are just watching as the melt down without seeming to be able to help them get their needs met, or are telling them that their time in seclusion will be increased if they continue to scream, cry, or try to get out.
- Proposed changes: “Seclusion” means the **involuntary** confinement of a pupil in a room or other space from which the pupil is **physically** preventing from leaving **by any means**.
- The current definition of emergency physical restraint includes the phrases “an opportunity for the pupil to regain self-control” and “safety intervention” which leads adults to believe that physical restraint is therapeutic and can help students gain self-control, as well as to believe that physical restraint is safe. The belief that restraint is therapeutic has been disproven⁴² and it is likely that

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42) “Restraint and seclusion are not therapeutic care procedures. In fact, restraint and seclusion can induce further physical or psychosocial trauma. In short, these procedures pose a safety risk to the emotional and physical well-being of the person and have no known long-term benefit in reducing behaviours.” - Canadian Patient Safety Institute

www.patientsafetyinstitute.ca/en/education/PatientSafetyEducationProgram/PatientSafetyEducationCurriculum/MentalHealthModules/Pages/Mental-Health-Care-Seclusion-and-Restraint.aspx

**Clarify by updating the definitions of “seclusion” & “emergency physical restraint” in MCL 380.1307:
(continued)**

sometimes what educators are perceiving as calm control is actually the dorsal vagal state of shutdown⁴³, which is a state that can increase the chances that the student will develop trauma symptoms. Students have died as the result of restraints applied by trained professionals and those who do not die often suffer physical, social, mental, and emotional harm⁴⁴.

- Proposed Definition: "Emergency physical restraint" means a last resort emergency safety intervention involving physical restraint that is necessitated by an ongoing, life-threatening 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.

Update parts of MCL 380.1312 which are contradictory to MCL 380.1307:

- MCL 380.1312 uses the term “restrain” in a manner that can be construed to justify the use of physical restraint unlawfully; in a non-emergency situation, to maintain order and control, for non-compliance, or to protect property which is a direct contradiction to MCL 380.1307.

Add all forms of involuntary seclusion to the “statement of prohibited practices” in MCL 380.1307b:

- (d) Involuntary seclusion in any form
 - This is consistent with the national Keeping All Students Safe Act (KASSA)

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43) “When our sympathetic nervous system has kicked into overdrive, and we still can’t escape and feel impending death the dorsal vagal parasympathetic nervous system takes control. It causes freezing or shutdown, as a form of self preservation.” “In shutdown mode, at some level our nervous system believes we are in a life-threatening situation, and it tries to keep us alive through keeping our body still.” “Our response is all in our perception of the event.” “Whatever the reason, whether the incident was intentional or not, our body shifted into shutdown mode, we registered it as a trauma.” - David Puder, MD Episode 023: Emotional Shutdown - Understanding Polyvagal Theory

https://www.psychiatrypodcast.com/search?q=023&f_collectionId=5ef5112e8575ee1ad64fc768

44) “Studies have shown that psychological harm, physical injuries, and death can result from the use of seclusion and restraint to both the individual subjected to and staff applying these techniques” (NASMHPD, 2009; Sailas & Fenton, 2000; Weiss et al., 1998). - U.S. Department of Health and Human Services: Substance Abuse and Mental Health Service Administration (SAMHSA) Brief #1 - www.samhsa.gov/sites/default/files/topics/trauma_and_violence/seclusion-restraints-1.pdf

**Add all forms of involuntary seclusion to the “statement of prohibited practices” in MCL 380.1307b:
(continued)**

- Require the removal of doors on all existing seclusion rooms in school buildings.
- Recommend that seclusion rooms either be removed or modified, possibly transformed into sensory spaces if they are large enough in dimension.
- If, during the transition, any seclusion rooms remain in-tact, for the protection of educators and vulnerable students, require motion sensor cameras to be installed in them so that all activity can be recorded.
 - The resulting videos are protected by FERPA and are for the sole purposes of informing Emergency Intervention Plans (EIPs), preventing future crisis situations, and investigating complaints. Schools shall only be required to show the videos to parents/guardians, relevant school staff members, and state level officials (in addition to relevant individuals in the case of a subpoena).

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Appendix A

Seclusion & Restraint: Highest Daily Use Schools that reported using seclusion & restraint at least daily on average

Michigan 2022-23 School Year	Students with Known Disabilities		Students without Known Disabilities		Total S+R	Average Use per Day
	Seclusions	Restraints	Seclusions	Restraints		
State Total	11,910	9,076	642	934	22,562	125.3
Barry ISD	663	531	0	0	1,194	6.6
Genesee ISD	453	530	0	0	983	5.5
Montcalm Area ISD	850	92	0	0	942	5.2
Lake Orion Community Schools	376	234	13	15	638	3.5
Washtenaw ISD	459	165	0	0	624	3.5
Ottawa Area ISD	276	310	0	1	587	3.3
Jenison Public Schools	168	236	46	84	534	3.0
Ann Arbor Public Schools	290	208	11	10	519	2.9
Hazel Park, School District of the City of	392	92	1	1	486	2.7
Saline Area Schools	185	276	1	18	480	2.7
Berrien RESA	249	195	0	0	444	2.5
St. Joseph County ISD	326	111	0	0	437	2.4
Kent ISD	308	105	0	1	414	2.3
Van Buren ISD	239	129	0	0	368	2.0
Delta-Schoolcraft ISD	81	264	0	0	345	1.9
Mecosta-Osceola ISD	195	148	0	0	343	1.9
Macomb ISD	260	63	0	0	323	1.8
Lincoln Park, School District of the City of	168	120	1	12	301	1.7
Gratiot-Isabella RESD	132	168	0	0	300	1.7
Utica Community Schools	226	67	1	1	295	1.6
Muskegon Area ISD	143	95	0	27	265	1.5
Zeeland Public Schools	102	133	17	13	265	1.5
Fruitport Community Schools	105	84	30	29	248	1.4
Allegan Area Educational Service Agency	91	152	0	0	243	1.4
Alma Public Schools	98	113	17	1	229	1.3
Carman-Ainsworth Community Schools	95	128	1	1	225	1.3
Hudsonville Public School District	110	70	22	1	203	1.1
Kentwood Public Schools	131	68	1	1	201	1.1
Eastern Upper Peninsula ISD	0	200	0	0	200	1.1
Traverse City Area Public Schools	81	104	12	1	198	1.1
Berkley School District	102	82	13	1	198	1.1
Orchard View Schools	104	93	0	0	197	1.1
Bay City School District	134	45	0	0	179	1.0
Birmingham Public Schools	114	65	0	0	179	1.0
Ypsilanti Community Schools	94	83	0	0	177	1.0

Appendix B

Seclusion & Restraint: Highest Frequency

Schools that reported secluding or restraining individual students more frequently than monthly

Michigan	Students with Disabilities						
2022-23 School Year	Students	Seclusions	Restraints	Total S+R	Times Each	Every x Days	Frequency /Student
State Total	2,319	11,910	9,076	20,986	9	20	2 Weeks
Barry ISD	<10	663	531	1,194	133*	1	Daily
Ann Arbor Public Schools	11	290	208	498	45	4	Weekly
Delta-Schoolcraft ISD	<10	81	264	345	38*	5	Weekly
St. Joseph County ISD	14	326	111	437	31	6	Weekly
Washtenaw ISD	22	459	165	624	28	6	Weekly
Orchard View Schools	<10	104	93	197	22*	8	Weekly
Van Buren ISD	17	239	129	368	22	8	Weekly
Ypsilanti Community Schools	<10	94	83	177	20*	9	2 Weeks
Genison Public Schools	21	168	236	404	19	9	2 Weeks
Harper Creek Community Schools	<10	152	11	163	18*	10	2 Weeks
Eastern Upper Peninsula ISD	11	0	200	200	18	10	2 Weeks
Genesee ISD	54	453	530	983	18	10	2 Weeks
Utica Community Schools	16	226	67	293	18	10	2 Weeks
Mecosta-Osceola ISD	19	195	148	343	18	10	2 Weeks
Sanilac ISD	<10	10	155	165	18*	10	2 Weeks
Lincoln Consolidated School District	<10	72	92	164	18*	10	2 Weeks
Montcalm Area ISD	55	850	92	942	17	11	2 Weeks
Lake Orion Community Schools	37	376	234	610	16	11	2 Weeks
Carman-Ainsworth Community Schools	15	95	128	223	15	12	2 Weeks
Alma Public Schools	14	98	113	211	15	12	2 Weeks
Ionia ISD	11	150	16	166	15	12	2 Weeks
Lakeville Community School District	<10	0	129	129	14*	13	3 Weeks
Hazel Park, School District of the City of	34	392	92	484	14	13	3 Weeks
Ottawa Area ISD	41	276	310	586	14	13	3 Weeks
Paw Paw Public Schools	10	82	56	138	14	13	3 Weeks
Berrien RESA	35	249	195	444	13	14	3 Weeks
Huron ISD	<10	88	26	114	13*	14	3 Weeks
Fruitport Community Schools	15	105	84	189	13	14	3 Weeks
Berkley School District	14	102	82	184	13	14	3 Weeks
Ionia Public Schools	11	150	16	166	15	12	2 Weeks
Muskegon Area ISD	21	143	95	238	11	16	3 Weeks
Saline Area Schools	43	185	276	461	11	17	3 Weeks
Bay City School District	18	134	45	179	10	18	3 Weeks
Eaton RESA	<10	74	15	89	10*	18	3 Weeks
Pinckney Community Schools	<10	72	14	86	10*	19	Month
Birmingham Public Schools	18	114	65	179	10	18	Month