Policy 8300: Student Discipline (Rules)

Rules Accepted: *June 29, 2009*
Revised: *January, 2018*

See the State Board of Education's Policy for the Emergency Use of Seclusion and Restraint (March 14, 2017).

Board Policies & Rules: *Section 8000: Students, Administrative Rules*

I. Seclusion and Restraint Definitions

a. “Restraint” means an action that prevents or significantly restricts a pupil’s movement.
b. “Physical Restraint” means restraint involving direct physical contact.
c. “Emergency Physical Restraint” means a last resort emergency safety intervention involving physical restraint that is necessitated by an ongoing emergency situation and that provides an opportunity for the student to gain self-control while maintaining the safety of the student and others.
d. “Chemical restraint” means the administration of medication for the purpose of restraint.
e. “Mechanical restraint” means the use of any device, article, garment, or material attached to or adjacent to a pupil’s body to perform restraint
f. “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 Michigan Department of Education Page 9 prevention code, 1941 PA 207, MCL 29.19, or of another emergency security procedure that is necessary to protect the safety of pupils.
g. “Emergency Seclusion” means a last resort emergency safety intervention involving seclusion that is necessitated by an ongoing emergency situation and that provides an opportunity for the student to regain self-control while maintaining the safety of the student and others.
h. “Emergency Situation” means a situation in which a student’s behavior poses imminent risk to the safety of the individual student or the safety of others.
i. “Positive Behavioral Intervention and Support Plan” (PBIS) means a student-specific support plan composed of individualized, functional behavioral assessment-based intervention strategies. PBIS is a framework for assisting school personnel in adopting and organizing evidence-based behavioral interventions into an integrated continuum that enhances academic and social behavior outcomes for all pupils. PBIS emphasizes four integrated elements: a) socially valued and measurable outcomes; b) empirically validated and practical practices; c)

systems that efficiently and effectively support implementation of these practices; and d) continuous collection and use of data for decision-making.

II. Physical Restraint

Prohibited Practices

The following practices are prohibited under all circumstances, including emergency situations:

- Corporal punishment
- Mechanical restraint;
- Chemical restraint;
- Seclusion, other than emergency seclusion
- The deprivation of basic needs;
- Anything constituting child abuse;
- Any restraint that negatively impacts breathing;
- Prone restraint (School personnel who find themselves involved in the use of a prone restraint – restraint of a student face down - as the result of responding to an emergency must take immediate steps to end the prone restraint.)
- 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.
- Any other restraint

Physical restraint is intended only for emergency situations in which the student's behavior poses imminent risk to the safety of the student or others.

Emergency Physical Restraint does not include:

- Physical restraint when contraindicated based on a student's disability, health care needs, or medical or psychiatric condition, as documented in a record(s) made available to the school
- The brief holding of a student to calm or comfort
- Minimum contact necessary to physically escort a student from one area to another
- Minimal contact necessary to assist a student in completing a task or response if the student doesn't resist or resistance is minimal in intensity or duration
- The brief holding of a student in order to prevent an impulsive behavior that threatens the student's immediate safety, such as running in front of a car
- The administration of medication prescribed by and administered in accordance with the directions of a physician
- An adaptive or protective device recommended by a physician or a therapist
- Safety equipment such as a seat belt

- Actions to break up a fight, to stop a physical assault or to take a weapon from a student

All staff who regularly interact with students are required be trained on the proper and appropriate use and techniques for restraining a student. Staff identified as “key personnel” shall receive comprehensive training on the proper and appropriate use and techniques for restraining a student as outlined in the State Policy.

All staff who use restraint shall comply with mandated reporting requirements.

III. Emergency Seclusion

Seclusion should only be used in emergency situations in which a student’s behavior poses imminent risk to the safety of the individual student or to the safety of others.

Emergency seclusion is a last resort emergency safety intervention involving seclusion that is necessitated by an ongoing emergency situation and that provides an opportunity for the student to regain self-control while maintaining the safety of the student and others. To qualify as an emergency seclusion, there must be continuous observation by school personnel of the student in seclusion. In addition:

A. The room or area used for seclusion:
- Must not be locked;
- Must not prevent the student from exiting the area should staff become incapacitated or leave that area; and
- Must provide for adequate space, lighting, ventilation, viewing, and the safety and dignity of the student.

B. Limitations in Use

1. Seclusion shall not be used:
   - For the convenience of staff;
   - As a substitute for an educational program;
   - As a form of discipline/punishment;
   - As a substitute for less restrictive alternatives;
   - As a substitute for adequate staffing; or
   - As a substitute for staff training in positive behavior supports and crisis prevention and intervention.

2. Seclusion is inappropriate for the confinement of preschool children or students who are self-injurious or suicidal or when prohibited by Michigan law (MCL 380.1307b).

C. Definition of Timeout

Timeout is a behavior intervention in which a student, for a limited and specified time, is placed in an environment where access to positive reinforcement is unavailable. Timeout should not be confused with seclusion because, in a timeout setting, a student's movement is not physically restricted. Timeout lies within a continuum of services that help students self-regulate and control their behavior. The timeout continuum[1] is:

- Planned ignoring
- Withdrawal of materials
- Contingent observation
- Timeout

Physical force upon a student may be necessary to restrain, seclude, or remove a student whose behavior is interfering with the orderly exercise and performance of District functions within a school or school related activity if that student has refused to comply with a request to refrain from further disruptive acts; for self defense or the defense of another; to prevent a student from inflicting harm on him/herself; to quell a disturbance that threatens physical injury to any person; to obtain possession of a weapon or other dangerous object; and to protect property.

Employees should not find it necessary to resort to physical force, violence, or threats to compel obedience. If all means fail, staff members may always resort to the removal of the student from the classroom or school through established suspension or expulsion procedures.

IV. Reporting Requirements

Each use of seclusion or restraint and the reason for each use shall be documented in writing and reported in writing or orally to the principal or supervisor and the student's parent or guardian immediately and documented in a written report for each use of seclusion or restraint, including multiple uses within a given day. The written report must be provided to the parent or guardian within the earlier of one (1) day or seven (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 and the student, as appropriate, regarding the determination of future actions. The debriefing and consultation shall be done in accordance with the State policy.

[1] *Timeout Continuum*

Planned Ignoring *– is the systematic withdrawal of social attention for a predetermined time period upon the onset of mild levels of problem behavior.*

Withdrawal of Materials *– materials that the student is using are removed upon the occurrence of the inappropriate behavior.*

Contingent Observation *– student remains in a position to observe the group without participating or receiving reinforcement for a specified period of time.*

Exclusionary Timeout *– student is removed from the immediate instructional setting in response to behavior that requires immediate and direct cessation. This form of timeout can take place within the same classroom or in a nearby location that can be supervised by an adult. (Using Timeout in an Effective and Ethical Manner)*