

HOUSE BILL No. 5413

March 2, 2016, Introduced by Rep. Vaupel and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
(MCL 380.1 to 380.1852) by adding section 1307d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 1307D. THE STATE POLICY UNDER SECTION 1307A SHALL INCLUDE
2 AT LEAST ALL OF THE FOLLOWING PROVISIONS CONCERNING DOCUMENTATION
3 AND REPORTING OF SECLUSION AND RESTRAINT:

4 (A) EACH USE OF SECLUSION OR RESTRAINT AND THE REASON FOR EACH
5 USE SHALL BE DOCUMENTED IN WRITING AND REPORTED TO THE SCHOOL
6 BUILDING ADMINISTRATION IMMEDIATELY, REPORTED TO THE PARENT OR
7 GUARDIAN IMMEDIATELY OR AS SOON AS POSSIBLE, AND DOCUMENTED IN A
8 WRITTEN REPORT FOR EACH USE OF SECLUSION OR RESTRAINT, INCLUDING
9 MULTIPLE USES WITHIN A GIVEN DAY, WITH THIS WRITTEN REPORT PROVIDED
10 TO THE PARENT OR GUARDIAN WITHIN 24 HOURS.

11 (B) AFTER ANY USE OF SECLUSION OR RESTRAINT, SCHOOL PERSONNEL

1 MUST DEBRIEF AND CONSULT WITH PARENTS, OR WITH PARENTS AND PUPILS,
2 AS APPROPRIATE, REGARDING THE DETERMINATION OF FUTURE ACTIONS. THE
3 DEBRIEFING AND CONSULTATION SHALL ADDRESS AT LEAST ALL OF THE
4 FOLLOWING QUESTIONS:

5 (i) WHAT PRECIPITATED THE BEHAVIOR THAT REQUIRED INTERVENTION?

6 (ii) IS THERE ANY ANTICIPATION THAT THE BEHAVIOR WILL OCCUR
7 AGAIN?

8 (iii) IS THERE A NEED FOR FOLLOW-UP ACTION?

9 (iv) WHAT IS THE SPECIFIC FOLLOW-UP ACTION?

10 (C) IF A PATTERN OF BEHAVIOR EMERGES, OR IS ANTICIPATED, THAT
11 MAY REQUIRE THE USE OF EMERGENCY SECLUSION OR EMERGENCY PHYSICAL
12 RESTRAINT, SCHOOL PERSONNEL ARE ENCOURAGED TO DO ALL OF THE
13 FOLLOWING:

14 (i) USE A TRAINED BEHAVIORIST TO CONDUCT A FUNCTIONAL
15 BEHAVIORAL ASSESSMENT.

16 (ii) DEVELOP OR REVISE A POSITIVE BEHAVIORAL INTERVENTION AND
17 SUPPORT PLAN TO FACILITATE THE REDUCTION OR ELIMINATION OF THE USE
18 OF EMERGENCY SECLUSION OR EMERGENCY PHYSICAL RESTRAINT.

19 (iii) DEVELOP AN ASSESSMENT AND PLANNING PROCESS CONDUCTED BY A
20 TEAM KNOWLEDGEABLE ABOUT THE PUPIL, INCLUDING AT LEAST THE PARENT;
21 THE PUPIL, IF APPROPRIATE; THE INDIVIDUALS RESPONSIBLE FOR
22 IMPLEMENTATION OF THE POSITIVE BEHAVIORAL INTERVENTION AND SUPPORT;
23 AND INDIVIDUALS KNOWLEDGEABLE IN POSITIVE BEHAVIORAL INTERVENTION
24 AND SUPPORT.

25 Enacting section 1. This amendatory act takes effect 90 days
26 after the date it is enacted into law.

27 Enacting section 2. This amendatory act does not take effect

1 unless all of the following bills of the 98th Legislature are
2 enacted into law:

3 (a) Senate Bill No.____ or House Bill No. 5410 (request no.
4 04860'15).

5 (b) Senate Bill No.____ or House Bill No. 5417 (request no.
6 04867'15).