

SUBSTITUTE FOR  
HOUSE BILL NO. 5409

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1           SEC. 1307. (1) IT IS THE INTENT OF THE LEGISLATURE THAT  
2   SECTIONS 1307 TO 1307H SHALL PROVIDE FOR A UNIFORM POLICY REGARDING  
3   THE USE OF SECLUSION AND RESTRAINT IN THE PUBLIC SCHOOLS THAT  
4   ACCOMPLISHES THE FOLLOWING OBJECTIVES:

5           (A) PROMOTES THE CARE, SAFETY, WELFARE, AND SECURITY OF THE  
6   SCHOOL COMMUNITY AND THE DIGNITY OF EACH PUPIL.

7           (B) ENCOURAGES THE USE OF PROACTIVE, EFFECTIVE, EVIDENCE- AND  
8   RESEARCH-BASED STRATEGIES AND BEST PRACTICES TO REDUCE THE  
9   OCCURRENCE OF CHALLENGING BEHAVIORS, ELIMINATE THE USE OF SECLUSION  
10   AND RESTRAINT, AND INCREASE MEANINGFUL INSTRUCTIONAL TIME FOR ALL

1 PUPILS.

2 (C) ENSURES THAT SECLUSION AND PHYSICAL RESTRAINT ARE USED  
3 ONLY AS A LAST RESORT IN AN EMERGENCY SITUATION AND ARE SUBJECT TO  
4 DILIGENT ASSESSMENT, MONITORING, DOCUMENTATION, AND REPORTING BY  
5 TRAINED PERSONNEL.

6 (D) CLEARLY DEFINES THE TERMS "SECLUSION", "RESTRAINT",  
7 "EMERGENCY SECLUSION", AND "EMERGENCY PHYSICAL RESTRAINT" AND  
8 CLEARLY STATES THE PROCEDURES FOR THE USE OF EMERGENCY SECLUSION  
9 AND EMERGENCY PHYSICAL RESTRAINT.

10 (2) SECTIONS 1307 TO 1307H DO NOT LIMIT ANY RIGHT OR REMEDY OF  
11 AN INDIVIDUAL UNDER STATE OR FEDERAL LAW.

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

14 Enacting section 2. This amendatory act does not take effect  
15 unless all of the following bills of the 98th Legislature are  
16 enacted into law:

17 (a) House Bill No. 5410.

18 (b) House Bill No. 5417.