

# HOUSE BILL No. 5409

March 2, 2016, Introduced by Rep. Liberati 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 1307.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           **SEC. 1307. (1) THE LEGISLATURE FINDS THAT PARENTS AND TEACHERS**  
2           **ACROSS THIS STATE ARE CONCERNED ABOUT THE USE OF SECLUSION AND**  
3           **RESTRAINT IN THE PUBLIC SCHOOLS OF THIS STATE AND THAT PROHIBITIONS**  
4           **ON THE USE OF RESTRAINT AND SECLUSION MUST BE ESTABLISHED AND**  
5           **UNIFORMLY APPLIED ACROSS THIS STATE. THIS FINDING IS SUPPORTED BY**  
6           **THE FOLLOWING BELIEFS:**

7           **(A) THE MOST EFFECTIVE STRATEGIES FOR SUPPORTING POSITIVE**  
8           **PUPIL BEHAVIOR BEGIN WITH MEANINGFUL INSTRUCTION PROVIDED BY HIGHLY**  
9           **TRAINED PROFESSIONALS IN A SAFE ENVIRONMENT THAT PROMOTES DIGNITY**  
10           **FOR ALL PUPILS.**

11           **(B) SCHOOLWIDE SYSTEMS OF POSITIVE BEHAVIORAL SUPPORT TO**

1 ADDRESS CHALLENGING BEHAVIOR WILL INCREASE INSTRUCTIONAL TIME FOR  
2 ALL.

3 (C) SECLUSION AND PHYSICAL RESTRAINT SHOULD BE USED ONLY IN AN  
4 EMERGENCY AND REQUIRE DILIGENT ASSESSMENT, MONITORING,  
5 DOCUMENTATION, AND REPORTING BY TRAINED PERSONNEL.

6 (2) BASED ON THE FINDINGS IN SUBSECTION (1), IT IS THE INTENT  
7 OF THE LEGISLATURE THAT SECTIONS 1307 TO 1307H SHALL PROVIDE FOR A  
8 UNIFORM POLICY REGARDING THE USE OF SECLUSION AND RESTRAINT IN THE  
9 PUBLIC SCHOOLS THAT ACCOMPLISHES THE FOLLOWING OBJECTIVES:

10 (A) PROMOTES THE CARE, SAFETY, WELFARE, AND SECURITY OF THE  
11 SCHOOL COMMUNITY AND PROTECTS LEARNING OPPORTUNITIES FOR ALL.

12 (B) ENCOURAGES THE USE OF PROACTIVE, EFFECTIVE, EVIDENCE- AND  
13 RESEARCH-BASED STRATEGIES AND BEST PRACTICES TO ELIMINATE THE USE  
14 OF SECLUSION AND RESTRAINT AND REDUCE OR ELIMINATE THE USE OF  
15 EMERGENCY SECLUSION AND EMERGENCY PHYSICAL RESTRAINT.

16 (C) CLEARLY DEFINES THE TERMS "SECLUSION", "RESTRAINT",  
17 "EMERGENCY SECLUSION", AND "EMERGENCY PHYSICAL RESTRAINT" AND  
18 CLEARLY STATES THE PROCEDURES FOR THE USE OF EMERGENCY SECLUSION  
19 AND EMERGENCY PHYSICAL RESTRAINT.

20 (3) SECTIONS 1307 TO 1307H DO NOT LIMIT ANY RIGHT OR REMEDY OF  
21 AN INDIVIDUAL UNDER STATE OR FEDERAL LAW.

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

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

27 (a) Senate Bill No. \_\_\_\_ or House Bill No. 5410 (request no.

1 04860'15).

2 (b) Senate Bill No. \_\_\_\_ or House Bill No. 5417 (request no.

3 04867'15).