

Parent Engagement Session

Seclusion & Restraint

Tuesday, April 25, 2023



The Office of Exceptional Student Education

Dr. Nikolai P. Vitti, Superintendent

Nidia Ashby, Chief of Schools

Lohren Nzoma, Assistant Superintendent

Michelle DeJaeger, Executive Director



THE FUTURE
IS RISING



Welcome & Greetings

AGENDA

Welcome & Greetings

- Nidia Ashby, Chief of Schools
- Lohren Nzoma, Assistant Superintendent
- Michelle DeJaeger, Executive Director

Understanding the Law

- Jordan Bullinger, Attorney (Clark Hill)
- Marlene Hunter-Armstrong, Director of Compliance

Questions and Comments

- Audience members

Closing Remarks

- Lohren Nzoma



Understanding the Law

Michigan Department of Education Policy

The Michigan Department of Education (MDE) has a policy required by law outlining the standards for the *emergency use* of seclusion and restraint in Michigan Public Schools. The Michigan School Code prohibits the use of seclusion and restraint, unless there is an emergency. The use of seclusion and restraint is not permitted. (MCL 380.1307b to 380.1307h)

The Policy

- Applies to all students with and without disabilities
- Requires using proven practices to reduce and eliminate seclusion and restraint practices
- Emphasizes schools must always promote the security of the school community and the care, safety, welfare, and dignity of each student



Seclusion & Restraint – Key Terms

Seclusion:

- The involuntary confinement of a student alone in a room or area from where the student is physically prevented from leaving. The term does not include a timeout, which is a behavior management technique which is part of an approved program involving monitored separation of the student in a non-locked setting. Seclusion can be implemented for the purpose of calming. (Office of Civil Rights definition)

Restraint:

- Restraint can include various forms- mechanical and physical. The term physical restraint does not include a physical escort. Physical escort means a temporary touching, or holding of the hand, wrist, arm, shoulder, or back to induce a student acting a safe location. (Office of Civil Rights definition)





Types of Restraints

Mechanical Restraint

The use of any device or equipment to restrict a student's freedom of movement. The term does not include devices implemented by trained school personnel or used by a student that have been prescribed by and appropriate medical or related services professional and are used for the specific and approved purposes of which such devices were designed.

(OCR Definition)

Physical Restraint

A personal restriction which immobilizes or reduces the ability of a student to move his or her torso, arms, legs, or head freely.

What is Restraint?

Restraint means an action that prevents or significantly restricts a pupil's movement.

- a. Physical Restraint means restraint involving direct physical contact.
- b. Chemical Restraint means the administration of medication for the purpose of restraint.
- c. Mechanical Restraint means the use of any device, article, garment, or material attached to or adjacent to a pupil's body to perform restraint.



Emergency Physical Restraint

"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 pupil to regain self-control**
- while maintaining the **safety of the pupil and others.**

MCL 380.1307h(d)

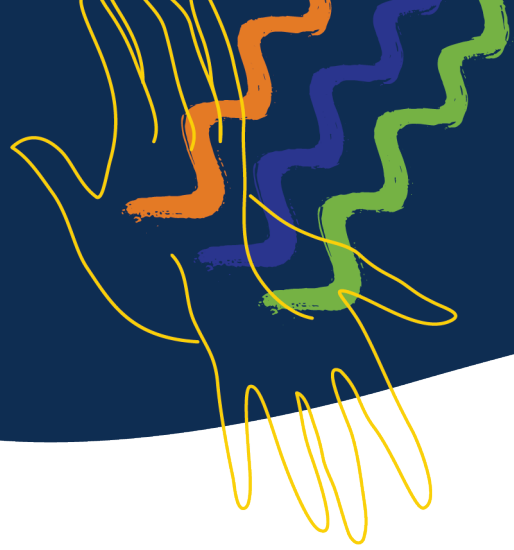


Restraint Exceptions

Restraint does not include:

- the brief holding of a pupil in order to calm or comfort;
- the minimum contact necessary to physically escort a pupil from one area to another;
- the minimum contact necessary to assist a pupil in completing a task or response if the pupil does not resist or resistance is minimal in intensity or duration;
- the holding of a pupil for a brief time in order to prevent an impulsive behavior that threatens the pupil's immediate safety;
- 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 therapist when it is used as recommended,*
- or safety equipment used by the general pupil population as intended, such as a seat belt or safety harness on school transportation.





Adaptive or Protective Devices

Question: May a therapist employed by the district (e.g., occupational therapist, physical therapist) recommend use of an adaptive or protective device?

Answer: The statute does not explicitly define who a therapist is that may recommend use of an adaptive or protective device. A therapist employed by the school is not explicitly prohibited from recommending use of an adaptive or protective device. A parent may accept or reject the use, just as they have with other recommendations from physicians or therapists.



Is It An Emergency?

In determining an emergency, you must answer **YES to BOTH** of the following questions:

- *Is the student's behavior posing an imminent risk to themselves or the safety of others?*
- *Does the situation require immediate intervention?*

Emergency seclusion & physical restraint are only allowed in an emergency. Seclusion & restraint are never allowed if a factor, symptom, or course of action makes the use of seclusion or restraint inadvisable based on a student's disability, health care needs, medical or psychiatric condition. Once a student has regained control, the use of emergency seclusion & physical restraint is not appropriate.



Nonviolent Crisis Intervention

What is Crisis Prevention Institute: Nonviolent Crisis Intervention (NVCI)?

Crisis Prevention Institute: Nonviolent Crisis Intervention (CPI: NVCI) is a non-violent crisis prevention program with a focus on proactive responses and de-escalation. Our core training program equips staff with proven strategies for safely defusing anxious, defensive, or violent behavior at the earliest possible stage and using physical intervention as a last resort.

Who can participate in CPI: NVCI?

Detroit Public Schools Community District has certified trainers of Crisis Prevention Institute: Nonviolent Crisis Intervention. Training is provided to our School based crisis teams that have been identified by the building principal and All ESE Staff. Staff that participate in the training will be provided with the skills to safely recognize and respond to everyday crisis situations.

For more information about CPI/NVCI please contact Dr. Adrima Caesar at adrima.caesar@detroitk12.org



Documentation



- Use of any seclusion or restraint must be documented in writing and provide a written report to parents within one school day or 7 calendar days, whichever is earlier.
- Staff will make reasonable effort to debrief and consult with parents and schedule any necessary follow-up meetings.



Prohibited Actions



- Corporal punishment
- Any form of child abuse
- Mechanical restraint
- Any restraint that negatively impacts breathing
- Prone (face down) restraint
- Deprivation of basic needs
- Physical restraint-other than emergency physical restraint



Activity Chairs/Adaptive Seating



Populations for Use of the Activity Chair (Adaptive Seating)

- Can be used for students with autism
- Students who are physically challenged such as cerebral palsy
- Students with limited to no mobility
- Student with spasticity



Purpose of Activity Chairs/Adaptive Seating

- Promote safe feeding
- Increase functional independence for table-top activities
- Enhance trunk/head control
- Assist with strengthening of core muscles
- Ideal for students with autism who need calming through self-generated motion (self-stimming)



Why Use Activity Chairs/Adaptive Seating

- Activity chairs allow for the student to participate in various activities and learning technology across a variety of settings in the school system.
- The activity chair provides specialize, customized, supportive, seating along with spring action that allows for movement to accommodate various positioning needs and supports various medical conditions.
- Always consult with the occupational and physical therapist in the building for training and correct usage of the activity chair.



Moving Forward

- The MOVE program is an activity-based curriculum designed to teach students with disabilities basic functional motor skills of sitting, standing, walking and transitions needed for life within the home and community environments. This program uses the activity chair/adaptive seating, standers, and toileting systems.
- All DPSCD Occupational & Physical Therapist will be trained on the Move Model
- Several districts have the Move Model (The largest is Woodland Developmental Center in Marysville, Michigan)



See Something Unfamiliar or Have Questions?

- Ask – Ask the Building Principal or Assistant Principal for Clarification
- Don't Make It Up, Look It Up...Resources are Available on the DPSCD Office of ESE Website
- JOIN Our Next Parent Advisory Council (PAC) Next Meeting is May 10, 2023
Email sharene.nathan@detroitk12.org for more information or
- If you believe you see something inappropriate and want to report it, please email Dpscd.compliance@detroitk12.org
- THE OFFICE of EXCEPTIONAL STUDENT EDUCATION, 313-873-7740



Resources

- Paleg G. (2014, November 5). Positioned for Learning. Conference on Exceptional Children, Physical Therapy Institute. Retrieved from <https://ec.ncpublicschools.gov/conferences-profdev/annual-conference/2014/materials> PDF <https://ec.ncpublicschools.gov/conferences-profdev/annual-conference/2014/materials/phys-therapy.pdf> July 2018
- Bidabe DL. Mobility Opportunities Via Education/Experience Reference Manual. 2016; Rifton, NY. Community Products, LLC. <http://www.move-international.org/materials/>
- Hulme JB, Gallacher K, Walsh J, Niesen S, Waldron D. (1987) Behavioral and postural changes observed with use of adaptive seating by clients with multiple handicaps. Phys Ther. 67(7):1060-7. Free Full Text <https://pdfs.semanticscholar.org/e839/a011a4d8648867f7512db30cd50bdb4da6ee.pdf> [Stavness, 2006] [Angsupaisal, 2015]
- Positioning Protocol by Rifton (For Use by therapist)
- Rifton Website for Best Practices, Podcast, videos, and handouts
- Michigan Virtual Seclusion and Restraint Awareness Training: Restraint | Michigan Virtual

Seclusion and





Questions & Comment

THANK YOU!!!

