

## EXEMPT LAW ENFORCEMENT OFFICERS FROM SECLUSION AND RESTRAINT REQUIREMENTS

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<http://www.house.mi.gov/hfa>

**House Bill 5126 as introduced**  
**Sponsor: Rep. Daniela R. Garcia**  
**Committee: Education Reform**  
**Complete to 10-18-17**

Analysis available at  
<http://www.legislature.mi.gov>

### SUMMARY:

House Bill 5126 would amend the Revised School Code to exempt law enforcement officials from requirements under the Seclusion and Restraint package enacted as Public Acts 394-402 of 2016.<sup>1</sup>

Specifically, the package defined *school personnel* as including all individuals employed in a public school or assigned to work regularly and continuously under contract or under agreement in a public school, or public school personnel providing service at a nonpublic school.

The bill would add that the definition would not include a law enforcement officer assigned to work regularly and continuously under contract or under agreement in a public school.

The sections added by the package—sections 1307 to 1307h of the Code—charged the Michigan Department of Education with developing a state policy regarding the use of seclusion and restraint. The policy was required to include a clear statement that the following practices are prohibited for school personnel:

- Corporal punishment (defined in Section 1312 as the deliberate infliction of physical pain by hitting, paddling, spanking, slapping, or any other physical force used as a means of discipline);
- The deprivation of basic needs;
- Child abuse;
- Seclusion, other than emergency seclusion;
- The intentional application of any noxious substance or stimulus that results in physical pain or extreme discomfort, whether the substance or stimulus is generally acknowledged or is specific to the pupil; and
- Restraint of a pupil, including mechanical; chemical; any restraint that negatively impacts breathing; prone restraint; physical restraint, other than emergency physical restraint; or any other type of restraint.

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<sup>1</sup> House Fiscal Agency analysis of PAs 394-402 of 2016 (House Bills 5409-5417):  
<http://www.legislature.mi.gov/documents/2015-2016/billanalysis/House/pdf/2015-HLA-5409-D1BBA312.pdf>

Additionally under the package, the policy must include provisions that, among other actions, school personnel must do all of the following:

- Call for help in certain emergency situations.
- Follow certain observation and reporting requirements when using emergency seclusion or emergency physical restraint.
- Make reasonable efforts to debrief with the parent or guardian or the pupil after the use of seclusion or restraint.

House Bill 5126 would provide that law enforcement officers—individuals licensed under the Michigan Commission on Law Enforcement Standards Act—would not be subject to those requirements.

The bill would take effect 90 days after enactment.

MCL 380.1307h

**FISCAL IMPACT:**

The bill would have no fiscal impact on state or local units of government.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.