

## Development and Implementation Guidelines for an Emergency Intervention Plan (EIP)

Developed: 2/12/18  
Clinton County RESA

### Accompanying Document: EIP Form

#### Process for Addressing Patterns of At Risk Behavior

If a pupil exhibits a pattern of behavior that poses a substantial risk of creating an emergency situation in the future that could result in the use of emergency seclusion or emergency physical restraint, school personnel are encouraged to do all of the following:

- Conduct a functional behavior assessment
- Develop or revise a positive behavioral intervention and support plan to facilitate the elimination of the use of seclusion and restraint.
- Develop an assessment and planning process conducted by a team knowledgeable about the pupil, including at least the parent or guardian; the pupil, if appropriate; the individuals responsible for implementation of the positive behavioral intervention and support plan; and individuals knowledgeable in positive behavioral intervention and support.

**EIP recommendation:** Section 380.1307 of Michigan's Revised School Code states that school personnel should develop an Emergency Intervention Plan (EIP)...*"if a pupil exhibits a pattern of behavior that poses a substantial risk of creating an emergency situation in the future that could result in the use of emergency seclusion or emergency physical restraint"*. The purpose of an EIP is to "protect the health, safety, and dignity of the pupil".

"Emergency seclusion or emergency physical restraint must only be used in response to an ongoing emergency situation and not as a planned response for the convenience of school personnel, as discipline or punishment, or as a substitute for an appropriate educational program. The development of an emergency intervention plan shall be solely for the purpose of protecting the health, safety, and dignity of the pupil and does not expand the legally permissible use of emergency seclusion or emergency physical restraint."

#### EIP Development Team

Involve the following team members in development of the EIP:

##### Partner

- Parent or guardian (Parents are to be involved as partners in EIP development. "Partnership" refers to a collaborative relationship between individuals characterized by mutual cooperation and responsibility for achievement of a group goal.)

##### Include

- Teacher familiar with the pupil
- An individual knowledgeable about the legally permissible use of emergency seclusion and emergency physical restraint.
- An individual knowledgeable about the use of positive behavioral intervention and support to eliminate the use of seclusion and restraint.

#### Detailed description of the positive behavioral intervention and support strategies that will be utilized to reduce the risk of the pupil's behavior creating an emergency situation:

May reference and attach any separate document, if one exists that already describes this. Possible documents might include a Positive Behavior Support Plan, procedural lists, scripts to follow, or meeting summary notes.

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### Detailed description of emergency intervention procedure:

Generally reference approved Nonviolent Crisis Intervention as addressed by Crisis Prevention Institute (CPI) training with more detailed description for understanding of any necessary, individualized adaptations for this individual.

### Detailed description of the legal limits on the use of emergency seclusion and emergency physical restraint:

- Copy and paste into the EIP form in this section either the Emergency Seclusion or Emergency Restraint passage from this document, whichever applies to this student. Use both if they both apply.
- In all cases, copy and paste the information under the section Either Emergency Seclusion or Emergency Restraint
- Read what you have pasted and remove anything that does not fit the situation, e.g. reference to middle school if this is an elementary student.

#### Emergency Seclusion

Emergency seclusion should not be used any longer than necessary, based on research and evidence, to allow a pupil to regain control of his or her behavior to the point that the emergency situation necessitating the use of emergency seclusion is ended and generally no longer than 15 minutes for an elementary school pupil or 20 minutes for a middle school or high school pupil. If an emergency seclusion lasts longer than 15 minutes for an elementary school pupil or 20 minutes for a middle school or high school pupil, all of the following are required:

- (i) Additional support, which may include a change of staff, or introducing a nurse, specialist, or additional key identified personnel.
- (ii) Documentation to explain the extension beyond the time limit.

#### Emergency Restraint

Emergency physical restraint should not be used any longer than necessary, based on research and evidence, to allow a pupil to regain control of his or her behavior to the point that the emergency situation necessitating the use of emergency physical restraint is ended and generally no longer than 10 minutes. If an emergency physical restraint lasts longer than 10 minutes, all of the following are required:

- (i) Additional support, which may include a change of staff, or introducing a nurse, specialist, or additional key identified personnel.
- (ii) (ii) Documentation to explain the extension beyond the time limit.

#### Either Emergency Seclusion or Emergency Restraint

While using emergency seclusion or emergency physical restraint, school personnel must do all of the following:

- (i) Involve key identified personal to protect the care, welfare, dignity, and safety of the pupil.
- (ii) (ii) Continually observe the pupil in emergency seclusion or emergency physical restraint for indications of physical distress and seek medical assistance if there is a concern.

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- (iii) (iii) Document observations
- (iv) (iv) Ensure to the extent practicable, in light of the ongoing emergency situation, that the emergency physical restraint does not interfere with the pupil's ability to communicate Using the pupil's primary mode of communication.
- (v) (v) Ensure that at all times during the use of emergency seclusion or emergency physical restraint there are school personnel present who can communicate with the pupil using the pupil's primary mode of communication.

### Provide examples of legally permissible use:

Briefly describe illustrative example(s) of a scenario of following the emergency intervention procedure. Provide enough detail to describe an important part of the procedure that could be confusing as to what is allowable by law.

### Provide examples of prohibited use:

Briefly describe two examples of what not to do for either seclusion or restraint (but both if indicated for this individual), that might be related to the intervention procedure. Draw examples from any of the following areas.

- Corporal punishment.
- 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. A noxious substance or stimulus is prohibited whether it is generally acknowledged or is specific to the pupil.
- Mechanical restraint.
- Chemical restraint.
- Any restraint that negatively impacts breathing
- Prone restraint
- Physical restraint, other than emergency physical restraint

### Medical or health contraindications for the use of emergency seclusion or emergency physical restraint:

1. Request information from the parent or guardian regarding any known medical or health contraindications for the use of emergency seclusion or emergency physical restraint.
2. If any additional information might contribute to better knowledge of health status beyond what parents can provide, seek parental consent and obtain information from the pupil's medical personnel as to any known medical or health contraindications for the use of emergency seclusion or emergency physical restraint.

### Peer Review:

- The role of a peer review is to evaluate the "quality, effectiveness and least intrusiveness of the EIP".
- Select at least two professionals to function as peer reviewers that have "a legitimate educational interest in the pupil" to provide a peer review before the draft EIP is finalized. Peer reviewers

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should be professional staff with a knowledge of the student. No particular credentials are listed as additional requirement.

- The peer review does not require the individuals to meet together at the same time.
- Review the draft EIP for possible improvement ideas to increase effectiveness, reduction of intrusiveness where possible, and better protection of the health, safety, and dignity of the pupil. Record any improvement suggestions for the proposed interventions (expected), or statement that there were no improvement suggestions, after a careful review.
- Save documentation notes of the peer review. These notes should document the names and positions of the reviewers, date(s) of review, and recommendations developed in either a group meeting or separate reviews attributed to individuals considering the EIP separately.

### **Description of possible discomforts or risks when implementing this EIP:**

This section is a reason why emergency seclusion and emergency restraint are only done when necessary. Acknowledge what is likely to be discomfort from the student's perspective with any portion of the plan that could lead to physical or psychological discomfort, e.g. fear, anger, frustration, etc. There is always some degree of risk for physical injury, although use of approved CPI techniques by trained staff and the presence of key identified personnel will help to reduce this risk. In part, the choice is that not responding with this plan could lead to greater injury or discomfort, and there is a duty to protect the student and others.

### **Information Provided to Parent in Writing and Orally**

After final review with parent/guardian, supply date on form that this information was provided.

Provide parents a copy of the EIP to satisfy the written information provision. Explain the following orally, as needed:

- Detailed explanation of the positive behavioral intervention and support strategies that will be utilized to reduce the risk of the pupil's behavior creating an emergency situation.
- Explanation of what constitutes an emergency situation as defined in section 1307h, including examples of situations that would fall within the definition and situations that would fall outside the definition.
- Detailed explanation of the intervention procedures to be followed in an emergency situation, including the potential use of emergency seclusion and emergency physical restraint.
- Detailed explanation of the legal limits on the use of emergency seclusion and emergency physical restraint, including examples of legally permissible and prohibited use.
- Description of possible discomforts or risks.
- Answers to any questions.

### **Prior Responsibility to the Student**

Prior to implementation, supply date on the EIP form as to who accomplished this and when.

- Prior to implementation of the EIP, a pupil who is the subject of an emergency intervention plan should be told or shown the circumstances under which emergency seclusion or emergency physical restraint might be used.