

## Use of Restraint or Seclusion\*\*

### Procedure

1. If restraint or seclusion continues for more than 30 minutes, ESD staff will attempt to immediately notify parents or guardians verbally or electronically.
2. Following an incident involving the use of restraint or seclusion, school staff will provide parents or guardians of the student the following:
  - a. Verbal or electronic notice of the incident by the end of the school day when the incident occurred.
  - b. Written documentation of the incident within 24 hours that provides:
    1. A description of the physical restraint or seclusion including:
      - a. The date of the physical restraint or seclusion;
      - b. The time the physical restraint or seclusion began and ended, and
      - c. The location of the incident,
    2. A description of the student's activity that prompted the use of restraint or seclusion;
    3. The efforts used to de-escalate the situation and the alternatives to restraint or seclusion that were attempted;
    4. The names of the staff of the public education program who administered the restraint or seclusion;
    5. A description of the training status of the personnel who administered the physical restraint or seclusion, including any information that may need to be provided to the parent or guardian; and
    6. Timely notification of a debriefing meeting to be held and of the parent's or guardian's right to attend the meeting.
  3. If the restraint or seclusion was administered by a person without training the ESD administrator will ensure written notice is issued to the parent or guardian of the student that includes the lack of training, and the reason why a person without training administered the physical restraint or seclusion. The administrator will ensure written notice of the same to the Superintendent.
  4. A building administrator will be notified as soon as practicable whenever restraint or seclusion has been used;
  5. If restraint or seclusion continues for more than 30 minutes the student must be provided with adequate access to bathroom and water every 30 minutes. If restraint or seclusion continues for

more than 30 minutes, every 15 minutes after the first 30 minutes an administrator for the public education program must provide written authorization for the continuation of the physical restraint or seclusion, including providing documentation for the reason the restraint or seclusion must be continued. Whenever restraint or seclusion extends beyond 30 minutes, personnel of the ESD will immediately attempt to verbally or electronically notify a parent or guardian.

6. An ESD Restraint and/or Seclusion Incident Report must be completed and copies provided to those attending the debriefing meeting for review and comment;

The completed Physical Restraint or Seclusion Incident Report Form shall include the following:

- a. Name of the student;
  - b. Name of staff member(s) administering the physical restraint or seclusion;
  - c. Date of the physical restraint or seclusion, and the time the physical restraint or seclusion began and ended;
  - d. Location of the physical restraint or seclusion;
  - e. A description of the physical restraint or seclusion;
  - f. A description of the student's activity immediately preceding the behavior that prompted the use of physical restraint or seclusion;
  - g. A description of the behavior that prompted the use of restraint or seclusion;
  - h. Efforts to de-escalate the situation and alternatives to physical restraint or seclusion that were attempted;
  - i. Information documenting parent contact and notification
8. If serious bodily injury or death of a student occurs in relation to the use of restraint or seclusion, written notification of the incident must be provided to the Department of Human Services within 24 hours of the incident.
  9. If serious bodily injury or death of a staff member occurs in relation to the use of restraint or seclusion, written notification of the incident must be provided to the superintendent within 24 hours of the incident, or to the union representative for the affected person, if applicable.
  10. The district will maintain a record of each incident in which injuries or death occurs in relation to the use of restraint or seclusion.

Restraint/seclusion as a part of a behavioral support plan in the student's Individual Education Program (IEP) or section 504 plan.

1. Parent participation in the plan is required;

2. The IEP team that develops the behavioral support plan shall include knowledgeable and trained staff, including a behavioral specialist and a ESD representative who is familiar with the restraint training practices adopted by the ESD;
3. Prior to the implementation of any behavioral support plan that includes restraint and/or seclusion a functional behavioral assessment must be completed. The assessment plan must include an individual threshold for reviewing the plan;
4. When a behavior support plan includes restraint or seclusion the parents may be provided a copy of the ESD Physical Restraint or Seclusion policy at the time the plan is developed.

Use of restraint or seclusion in an emergency by ESD administrator, staff or volunteer to maintain order or prevent a student from harming themselves, other students, or school staff:

Use of physical restraint and/or seclusion under these circumstances with a student who does not have physical restraint and/or seclusion as a part of their IEP or 504 plan is subject to all of the requirements established by this Board policy and administrative regulation with the exception of those specific to plans developed in an IEP or a 504 plan.

\*\*As used in this policy, the term parent includes legal guardian or person in a parental relationship. The status and duties of a legal guardian are defined in ORS 125.005(4) and 125.300 – 125.325. The determination of whether an individual is acting in a parental relationship, for purposes of determining residency, depends on the evaluation of the factors listed in ORS 419B.373. The determination for other purposes depends on evaluation of those factors and a power of attorney executed pursuant to ORS 109.056. For special education students, parent also includes a surrogate parent, an adult student to who rights have been transferred and foster parent as defined in OAR 581-015-200.