

Use of Restraint or Seclusion**

The Board is dedicated to the development and application of best practices within the ESD's educational/behavioral programs. The Board establishes this policy and its administrative regulation to define the circumstances that must exist and the requirements that must be met prior to, during and after the use of physical restraint and/or seclusion as an intervention with students being served in an ESD facility. LBL staff working with students in districts should be aware of and adhere to the state's physical restraint and seclusion policy and district procedures.

The use of the following types of restraint on a student in the ESD is prohibited:

1. Chemical restraint.
2. Mechanical restraint.
3. Prone restraint.
4. Supine restraint.
5. Any restraint that involves the intentional and nonincidental use of a solid object¹, including a wall or the floor, to impede a student's movement, unless the restraint is necessary to prevent an imminent life-threatening injury or to gain control of a weapon.
6. Any restraint that places, or creates a risk of placing, pressure on a student's mouth, neck or throat.
7. Any restraint that places, or creates a risk of placing, pressure on a student's mouth, unless the restraint is necessary for the purpose of extracting a body part from a bite.
8. Any restraint that impedes, or creates a risk of impeding, breathing.
9. Any restraint that involves the intentional placement of the hands, feet, elbow, knee or any object on a student's neck, throat, genitals or other intimate parts.
10. Any restraint that causes pressure to be placed, or creates a risk of causing pressure to be placed, on the stomach or back by a knee, foot or elbow bone.
11. Any action designed for the primary purpose of inflicting pain.
12. The use of a seclusion cell is prohibited.

¹ The use of a solid object, including furniture, a wall, or the floor, by ESD staff performing a restraint is not prohibited if the object is used for the staff's own stability or support while performing the restraint and not as a mechanism to apply pressure directly to the student's body.

Restraint or seclusion may not be used for discipline, punishment, retaliation or convenience of staff, contractors or volunteers of the ESD.

Restraint may be imposed on a student in the ESD only under the following circumstances:

1. The student's behavior imposes a reasonable risk of imminent and substantial physical or bodily injury to the student or others; and
2. Less restrictive interventions would not be effective.

“Seclusion” may be used on a student in the ESD only under the following circumstances:

1. The student's behavior imposes a reasonable risk of imminent and serious bodily injury to the student or others; and
2. Less restrictive interventions would not be effective.

If restraint or seclusion is used on a student, by trained staff or other staff available in the case of an emergency when trained staff are not immediately available due to the unforeseeable nature of the emergency, e.g., teacher, administrator, or volunteer, it will be used only for as long as the student's behavior poses a reasonable risk of imminent and substantial physical or bodily injury to the student or others and less restrictive interventions would not be effective. Students will be continuously monitored by staff for the duration of the restraint or seclusion.

Definitions

1. “Restraint” means the restriction of a student's actions or movements by holding the student or using pressure or other means.

“Restraint” does not include:

- a. Holding a student's hand or arm to escort the student safely and without the use of force from one area to another;
 - b. Assisting a student to complete a task if the student does not resist the physical contact; or
 - c. Providing reasonable intervention with the minimal exertion of force necessary if the intervention does not include a restraint prohibited under Oregon Revised Statute (ORS) 339.288 and the intervention is necessary to:
 - 1) Break up a physical fight;
 - 2) Interrupt a student's impulsive behavior that threatens the student's immediate safety, including running in front of a vehicle or climbing on unsafe structures or objects; or
 - d. Effectively protect oneself or another from an assault, injury or sexual contact with the minimum physical contact necessary for protection.
2. “Seclusion” means the involuntary confinement of a student alone in a room from which the student is physically prevented from leaving. Seclusion includes, but is not limited to, the involuntary confinement of a student alone in a room with a closed door, whether the door is locked or unlocked.

“Seclusion” does not include the removal of a student for a short period of time to provide the student with an opportunity to regain self-control if the student is in a setting from which the student

is not physically prevented from leaving, or a student is being left alone in a room with a closed door for a brief period of time if the student is left alone for a purpose that is unrelated to the student's behavior.

3. "Seclusion cell" means a freestanding, self-contained unit that is used to isolate the student from other students or physically prevent a student from leaving the unit or cause the student to believe that the student is physically prevented from leaving the unit.
4. "Serious bodily injury" means any significant impairment of the physical condition of a person, as determined by qualified medical personnel, whether self-inflicted or inflicted by someone else.
5. "Substantial physical or bodily injury" means any impairment of the physical condition of a person that requires some form of medical treatment.
6. "Mechanical restraint" means a device used to restrict the movement of a student or the movement or normal function of a portion of the body of a student.

Mechanical restraint does not include:

- a. A protective or stabilizing device ordered by a licensed physician; or
 - b. A vehicle safety restraint when used as intended during the transport of a student in a moving vehicle.
7. "Chemical restraint" means a drug or medication that is used on a student to control behavior or restrict freedom of movement that is not prescribed by a licensed physician or other qualified health professional acting under the professional's scope of practice for standard treatment of the student's medical or psychiatric condition; and administered as prescribed by a licensed physician or other qualified health professional acting under the professional's scope of practice.
 8. "Prone restraint" means a restraint in which a student is held face down on the floor.
 9. "Supine restraint" means a restraint in which a student is held face up on the floor.

Any student being restrained or secluded within the scope of the ESD program, whether in an emergency or as a part of a plan, shall be continuously monitored by staff for the duration of the intervention. Any room used for seclusion of a student must meet the standards as outlined in Oregon Administrative Rule (OAR) 581-021-0568.

Training programs used for restraint or seclusion will be²: Safety First Curriculum for the ESD Early Intervention/Early Childhood Special Education Program (EI/ECSE) and the Crisis Prevention Institute Training (CPI) for all other ESD programs. As required by state regulation, the selected programs shall be one approved by the Oregon Department of Education (ODE) and include but not limited to, positive behavior support, conflict, prevention, de-escalation and crisis response techniques. Any program selected by the ESD must be in compliance with state and federal law with respect to the use of restraint and/or seclusion.

² The ESD must identify the program utilized for training.

An annual review of the use of restraint and seclusion, during the preceding school year, shall be completed and submitted to ODE to ensure compliance with ESD policies and procedures.

The results of the review and annual report shall be documented and shall include at a minimum:

1. The total number of incidents involving restraint;
2. The total number of incidents involving seclusion;
3. The total number of seclusions in a locked room;
4. The total number of students placed in restraint;
5. The total number of students placed in seclusion;
6. The total number of incidents that resulted in injuries or death to students or staff as a result of the use of restraint or seclusion;
7. The total number of students placed in restraint or seclusion more than ten times in a school year and an explanation of what steps have been taken by the ESD to decrease the use of restraint and seclusion for each student;
8. The total number of restraint or seclusion incidents carried out by untrained individuals;
9. The demographic characteristics³ of all students upon whom restraint or seclusion was imposed;
10. The total number of rooms available for use by the ESD for seclusion of a student and a description of the dimensions and design of the rooms.

This annual report shall be made available to the public at the ESD's main office and on the ESD's website, to the Board, and to the component school districts of the ESD.

At least once each school year the parents and guardians of students of the ESD shall be notified as to how to access the report.

The ESD shall investigate all complaints regarding the use of restraint and/or seclusion practices according to the procedures outlined in Board policy KL Public Complaints and KL-AR – “Public Complaints Procedure.” The complaint procedure is available at the ESD's administrative office and is available on the home page of the ESD's website.

³ Including race, ethnicity, gender, disability status, migrant status, English proficiency and status as economically disadvantaged, unless the demographic information would reveal personally identifiable information about an individual student.

The Superintendent shall develop administrative regulations to carry out the requirements set forth in this policy and to meet any additional requirements established by law related to the use, reporting and written documentation of the use of restraint or seclusion by ESD staff.

**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 purposed 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.

END OF POLICY

Legal Reference(s):

ORS 161.205	OAR 581-021-0061	OAR 581-021-0550
ORS 339.250	OAR 581-021-0063	OAR 581-022- 2370
ORS 339.291	ORS 339.288	OAR 581-021-0563
OAR 581-021-0556	ORS 339.285	OAR 581-022-2267
OAR 581-021-0553	ORS 339.294	ORS 339.297
ORS 339.300	ORS 339.303	
OAR 581-021-0566	OAR 581-021-0568	
OAR 581-021-0569		
OAR 581-021-0570		