

# TECHNICAL ASSISTANCE & GUIDELINES MANUAL

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## Use of Physical Restraint and Seclusion

May 2014



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## TECHNICAL ASSISTANCE

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## GUIDELINES MANUAL

### Use of Physical Restraint and Seclusion

On March 9, 2012, in alignment with the Oregon Statute, the State Board of Education adopted new administrative rules on the use of physical restraint and seclusion in Oregon public schools. The enactment of six new OARs 581-021-0550, 0553, 0556, 0559, 0563, and 0566 was effectuated. The former OAR 581-021-0062 regarding physical restraint and seclusion was repealed by the State Board on April 19, 2012. Three new rules were added with the amendment of the restraint and seclusion statutes during the 2013 Legislative session. The additional rules are listed below.

Effective July 1, 2012, school districts and ESDs' school boards must have policies and procedures in place that comply with the updated and enhanced laws and rules regarding restraint and seclusion. The rules were created from the HB 2939, 2011. The law and administrative rules prohibit the use of chemical restraint, mechanical restraint, or prone restraint on students in Oregon public schools or public education programs. The bill does allow for the use of physical restraint or seclusion with all students, both general education and special education students, if their behavior imposes a threat to their safety or the safety of others, and if other less restrictive methods of controlling the behavior of the student are ineffective. Physical restraint is defined as the restriction of students' movements by one or more persons holding them. Seclusion refers to the involuntary confinement of students in rooms from which they are physically prevented from leaving. The bill further specifies the conditions under which physical restraint and seclusion may be used in public education programs, including establishing time limits and rules for seclusion and restraint such as access to bathroom or water breaks and the continuous monitoring of the situation by staff and administrators.

The statute and subsequent rules also indicate and specify the following:

- Notices must be given following the use of physical restraint and seclusion.
- Parents or guardians of students who are restrained or secluded must be notified by the end of the school day and receive written details of the incident.
- After each incident of restraint or seclusion, school personnel must meet for a debriefing meeting within two school days to discuss and document the incident. The notes from the meeting must be shared with the parent/s or guardian/s.
- The bill also requires school districts and education service districts to prepare an annual report detailing the use of physical restraint and seclusion for the previous school year and make this report available to the public.

The statute and subsequent rules specify that physical restraint and seclusion training programs approved by Oregon Department of Education must meet the standards of the Department of Human Services. They indicate that the training of school personnel in physical restraint and seclusion is required and must meet certain criteria,

including being grounded in evidence-based techniques and positive behavioral strategies, along with teaching de-escalation methods, prevention and crisis response.

The law/statute went into effect on January 1, 2012. The law was amended during Legislative session 2013, and the sunset was repealed. Public Education Programs are required to select a training program from an approved list compiled by the Oregon Department of Education, and provide de-escalation, restraint and seclusion training to school staff working with students in a public education program starting July 1, 2012.

## USE OF PHYSICAL RESTRAINT &amp; SECLUSION OARS 2012

*OAR 581-021-0550 to 581-021-0570:***581-021-0550****Definitions**

As used in OAR 581-021-0550 to 581-021-0570:

(1) 'Chemical restraint' means a drug or medication that is used on a student to control behavior or restrict freedom of movement and that is not:

(a) 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;

(b) Administered as prescribed by a licensed physician or other qualified health professional acting under the professional's scope of practice.

(2) '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.

(3) 'Physical restraint' means the restriction of a student's movement by one or more persons holding the student or applying physical pressure upon the student.

(a) 'Physical restraint' does not include the touching or holding of a student without the use of force for the purpose of directing the student or assisting the student in completing a task or activity;

(b) 'Physical restraint' does not include prone restraint as defined in ORS 339.288.

(4) 'Prone restraint' means a restraint in which a student is held face down on the floor.

(5) 'Public education program' means a program that:

(a) Is for students in early childhood education, elementary school or secondary school;

(b) Is under the jurisdiction of a school district, an education service district or another educational institution or program; and

(c) Receives, or serves students who receive, support in any form from any program supported, directly or indirectly, with funds appropriated to the Department of Education.

(6) 'Seclusion' means the involuntary confinement of a student alone in a room from which the student is physically prevented from leaving. '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.

(7) 'Seclusion cell' means a freestanding, self-contained unit that is used to:

(a) Isolate the student from other students; or

(b) Physically prevent a student from leaving the unit or cause the student to believe that the student is physically prevented from leaving the unit.

(8) '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.

Stat. Auth. 326.051

Stats. Implemented: ORS 339.285 to 339.303

### **581- 021-0553**

#### **Use of Physical Restraint and Seclusion in Public Education Programs**

Updated by CH on 1/14/14

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(1) The use of a chemical restraint, mechanical restraint or prone restraint on a student in a public education program in this state is prohibited.

(2) The use of physical restraint or seclusion on a student in a public education program in this state is prohibited unless used as provided in ORS 339.291, which includes the following:

(a) Physical restraint or seclusion may be used on a student in a public education program only if:

(A) The student's behavior imposes a reasonable threat of imminent, serious bodily injury to the student or others; and

(B) Less restrictive interventions would not be effective.

(b) Physical restraint or seclusion may not be used for discipline, punishment or convenience of personnel of the public education program.

(c) If physical restraint or seclusion is used on a student, the physical restraint or seclusion must be:

(A) Used only for as long as the student's behavior poses a reasonable threat of imminent, serious bodily injury to the student or others;

(B) Imposed by personnel of the public education program who are:

(i) Trained to use physical restraint or seclusion through programs approved by the Department of Education under OAR 581-021-0563; or

(ii) Otherwise available in the case of an emergency circumstance when trained personnel are not immediately available due to the unforeseeable nature of the emergency circumstance.

(C) Continuously monitored by personnel of the public education program for the duration of the physical restraint or seclusion.

(3) If physical restraint or seclusion continues for more than 30 minutes:

(a) The student must be provided with adequate access to the bathroom and water every 30 minutes;

(b) Personnel of the public education program must immediately attempt to verbally or electronically notify a parent or guardian of the student; and,

(c) Every 15 minutes after the first 30 minutes of the physical restraint or seclusion, 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 physical restraint or seclusion must be continued.

Stat. Auth. 326.051

Stats. Implemented: ORS 339.285 to 339.303

### **581- 021-0556**

#### **Program's Procedures Regarding Physical Restraint & Seclusion**

- (1) Each entity that has jurisdiction over a public education program must establish procedures for the public education program to follow after an incident involving the use of physical restraint or seclusion.
- (2) Following an incident involving the use of physical restraint or seclusion, the following must be provided to a parent or guardian of the student:
  - (a) Verbal or electronic notification of the incident by the end of the school day when the incident occurred;
  - (b) Written documentation of the incident within 24 hours of the incident that provides a description of the physical restraint or seclusion including:
    - (A) The date of the physical restraint or seclusion;
    - (B) The times when the physical restraint or seclusion began and ended;
    - (C) The location of the physical restraint or seclusion;
    - (D) A description of the student's activity that prompted the use of physical restraint or seclusion;
    - (E) The efforts used to de-escalate the situation and the alternatives to physical restraint or seclusion that were attempted;
    - (F) The names of the personnel of the public education program who administered the physical restraint or seclusion;
    - (G) A description of the training status of the personnel of the public education program who administered the physical restraint or seclusion, including any information that may need to be provided to the parent or guardian; and,
    - (H) 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 personnel of the public education program who administered the physical restraint or seclusion had not received training from a program approved by the Department of Education, as required and in accordance with OAR 581-021-0563, the administrator of the public education program shall ensure that a parent or guardian of the student and the district superintendent receive written notification of:
  - (a) The lack of training; and
  - (b) The reason the physical restraint or seclusion was administered by a person without training.
- (4) A debriefing meeting related to the use of physical restraint or seclusion must be held within two school days of the incident and must include all personnel of the public education program who were involved in the incident and any other appropriate personnel. Written notes must be taken of the debriefing meeting, and a copy of the written notes must be provided to a parent or guardian of the student.
- (5) If a student is involved in five incidents in a school year involving physical restraint or seclusion, a team consisting of personnel of the public education program and a parent or guardian of the student must be formed for the purposes of reviewing and revising the student's behavior plan and ensuring the provision of any necessary behavioral supports.
- (6) If serious bodily injury or death of a student occurs in relation to the use of physical restraint or seclusion, written notification of the incident must be provided by the public education providers within 24 hours of the incident to the Department of Human Services.
- (7) If serious bodily injury or death of personnel of the public education program occurs in

relation to the use of physical restraint or seclusion, written notification of the incident must be provided within 24 hours of the incident to the district superintendent and, if applicable, to the union representative for the affected party.

(8) Each public education program must maintain a record of each incident in which injuries or death occurs in relation to the use of physical restraint or seclusion.

(9) As indicated, per ORS 161.205 and 339.250, an individual who is a teacher, administrator, school employee or school volunteer may use reasonable physical force upon a student when and to the extent the application of force is consistent with Section 3, chapter 665, Oregon Laws 2011 (Enrolled House Bill 2939) and OAR 581-021-0553.

(10) The district school board shall adopt written policies to implement Physical Restraint & Seclusion procedures consistent with and as indicated in chapter 665, Oregon Laws 2011 (Enrolled House Bill 2939), ORS 339.250 and OARs 581-021-0550 to 581-021-0570, and shall inform teachers, administrators, school employees and school volunteers.

Stat. Auth. 326.051

Stats. Implemented: ORS 339.285 to 339.303

### **581-021-0559**

#### **Reporting Requirements for the Use of Physical Restraint & Seclusion**

(1) Each entity that has jurisdiction over a public education program must prepare and submit to the Superintendent of Public Instruction an annual report detailing the use of physical restraint and seclusion for the preceding school year, including, at a minimum:

- (a) The total number of incidents involving physical restraint;
  - (b) The total number of incidents involving seclusion;
  - (c) The total number of seclusions in a locked room;
  - (d) The total number of students placed in physical restraint;
  - (e) The total number of students placed in seclusion;
  - (f) The total number of seclusion rooms available; and a description, including the location of those rooms, designated solely for seclusion;
  - (g) The total number of incidents that resulted in injuries or death to students or personnel as a result of the use of physical restraint or seclusion;
  - (h) The number of students who were placed in physical restraint or seclusion more than 10 times in the course of a school year and an explanation of what steps have been taken by the public education program to decrease the use of physical restraint and seclusion for each student;
  - (i) The number of incidents in which the personnel of the public education program administering physical restraint or seclusion were not trained; and
  - (j) The demographic characteristics of all students upon whom physical restraint or seclusion was imposed, 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.
- (2) Each entity that has jurisdiction over a public education program shall make its annual report about physical restraint and seclusion available to:
- (a) The public at the entity's main office and the website of the entity;
  - (b) The school board or governing body overseeing the entity;
  - (c) If the entity is an education service district, the component school districts of the education service district;

- (d) If the entity is a public charter school, the sponsor of the public charter school;
- (e) Parents and guardians of students in a public education program, who shall be advised at least once each school year about how to access the report.

Stat. Auth. 326.051

Stats. Implemented: chapter 665, Oregon Laws 2011 (Enrolled House Bill 2939)

### **581-021-0563**

#### **Approval of Physical Restraint and Seclusion Training Programs for School Staff**

(1) The Department of Education shall approve training programs in physical restraint and seclusion that:

- (a) Teach evidence-based techniques that are shown to be effective in the prevention and safe use of physical restraint or seclusion;
  - (b) Provide evidence-based skills training related to positive behavior support, conflict prevention, de-escalation and crisis response techniques; and
  - (c) Are consistent with the philosophies, practices and techniques for physical restraint and seclusion that are established by rule or policy of the Department of Human Services.
- (2) A training program seeking approval must submit in writing to the Oregon Department of Education that meets the expectations subsection (1) of this rule.
- (3) Training programs approved remain in effect unless significant changes are made to the program. If significant changes are made, the training program must be re-submitted for approval.
- (4) The ODE must remove training programs from the approved list if they no longer meets the requirements specified in subsection (1) of this rule, or if they are found by the Oregon Department of Education to have violated any other laws.

Stat. Auth. 326.051

Stats. Implemented: ORS 339.285 to 339.303

### **581-021-0566**

#### **Required Use of Approved Restraint and Seclusion Programs**

On or after July 1, 2012, a Public Education Program may only use training programs on physical restraint and seclusion that are approved by the Department of Education under OAR 581-021-0563. The Department of Education shall make the approved training list available to all Public Education Programs.

Stat. Auth. 326.051

Stats. Implemented: chapter 665, Oregon Laws 2011 (Enrolled House Bill 2939)

### **581-021-0568**

#### **Standards for Seclusion Rooms**

- (1) Beginning with the 2014-15 school year, public education programs must meet the following standards for the structural and physical requirements for rooms designated by the school to be used for seclusion:
- (a) Any wall that is part of the room used for seclusion must be part of the structural integrity of the room (not free standing cells or portable units attached to the existing wall or floor), and must be no less than 64 square feet; the distance between adjacent walls must be no less than 7 feet across.
  - (b) The room must not be isolated from school staff of the facility;

- (c) Doors must be unlocked or equipped with immediate-release locking mechanisms;
  - (d) The door must open outward and contain a port of shatterproof glass or plastic through which the entire room may be viewed from outside; half doors are acceptable options as well where direct visual monitoring can occur.
  - (e) The room must contain no protruding, exposed, or sharp objects;
  - (f) The room must contain no free standing furniture.
  - (g) Windows must be transparent for both staff and the student to see in/out, and made of unbreakable or shatterproof glass or plastic. Non-shatterproof glass must be protected by adequate climb-proof screening;
  - (h) There must be no exposed pipes or electrical wiring in the room. Electrical outlets must be permanently capped or covered with a metal shield secured by tamper-proof screws. The room must contain lights which must be recessed or covered with screening, safety glass or unbreakable plastic. Any cover, cap or shield must be secured by tamper-proof screws;
  - (i) The room must meet State Fire Marshal fire, safety, and health standards. If sprinklers are installed, they must be recessed and/or covered with a cage. If pop-down type, sprinklers must have breakaway strength of less than 80 pounds. In lieu of sprinklers, combined smoke and heat detector must be used with similar protective design or installation;
  - (j) The room must be ventilated; heating and cooling vents must be secure and out of reach;
  - (k) The room must be designed and equipped in a manner that would not allow a child to climb up a wall;
  - (l) Walls, floor and ceiling must be solidly and smoothly constructed, to be cleaned easily, and have no rough or jagged portions; and
  - (m) Seclusion cells are prohibited as provided in OAR 581-021-0569.
- (2) These standards are first applicable on or after July 1, 2014.  
Stat. Auth.: Section 2, chapter 650, Oregon Laws 2013 (Enrolled House Bill 2585)  
Stats. Implemented: ORS 339.285 to 339.303

### **581-021-0569**

#### **Use of Seclusion Cells Prohibited**

- (1) A public education program may not:
  - (a) Purchase, build or otherwise take possession of a seclusion cell; or
  - (b) Use a seclusion cell.
- (2) No later than July 1, 2013, a public education program shall ensure that all seclusion cells are removed from the classrooms of the public education program.
- (3) No later than September 1, 2013, a public education program shall ensure that all seclusion cells are removed from the premises of the public education program.
- (4) Notwithstanding the applicability date specified in OAR 581-021-0568 the prohibition on the use of seclusion cells under this rule is effective and applicable beginning on or after April 5, 2013.  
Stat. Auth.: ORS 339.308  
Stats. Implemented: ORS 339.285 to 339.308

### **581-021-0570**

#### **Complaint Procedures**

An organization or an individual may submit to the Superintendent of Public Instruction a written, signed complaint alleging that a public education program is violating or has violated a provision of sections 1 to 6, chapter 665, Oregon Laws 2011 or 581-021-0550 to 581-021-0566.

(1) The complaint must indicate that, prior to submitting the complaint to the superintendent, the organization or individual attempted to seek a remedy for the complaint from the board or governing body overseeing the entity that has jurisdiction over the public education program against which the complaint is being submitted by:

(a) First filing the complaint with the public education entity; and

(b) Attempting to follow any complaint procedures that the entity has adopted including those adopted by school districts pursuant to ORS 327.1030 and OAR 581-022-1941.

(2) The organization or individual filing the complaint and the Superintendent shall follow the appeal procedures specified in OAR 581-022-1940.

Stat. Auth.: ORS 339.303

Stats. Implemented: ORS 339.285 to 339.303

DEFINITIONS: PHYSICAL RESTRAINT & SECLUSION

PHYSICAL RESTRAINT

Definition	Exclusions
<p>'Physical restraint' means the restriction of a student's movement by one or more persons holding the student or applying physical pressure upon the student. [OAR 581-021-0550(3)]</p>	<p>'Physical restraint' <i>does not</i> include the touching or holding of a student without the use of force for the purpose of directing the student or assisting the student in completing a task or activity, per OAR 581-021-0550(3)(a).</p> <p>The use of a <i>chemical restraint, mechanical restraint or prone restraint</i> on a student in a public education program in this state is <i>prohibited</i>, per OAR 581-021-0550(1-3)(a-b).</p>

SECLUSION

Definition	Exclusions
<p>'<i>Seclusion</i>' means the <i>involuntary confinement</i> of a student alone in a room from which the student is <i>physically prevented from leaving</i>. [OAR 581-021-0550(6)]</p>	<p>'<i>Seclusion</i>' <i>does not</i> 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 <i>student is not physically prevented from leaving</i>, per OAR 581-021-0550(6)(a).</p>
<p>'<i>Seclusion</i>' cell means Seclusion cell' means a freestanding, self-contained unit that is used to:</p> <ul style="list-style-type: none"> <li>(a) Isolate the student from other students; or</li> <li>(b) Physically prevent a student from leaving the unit or cause the student to believe that the student is physically prevented from leaving the unit. [OAR 581-021-0550(7)]</li> </ul>	<p>'<i>Seclusion</i>' cell <i>does not include rooms where any wall is part of the structural integrity of the room, and is not free standing cells or portable units attached to the existing wall/s or the floor.</i></p>

QUESTIONS & ANSWERS

Q&A for the use of Physical Restraint and Seclusion

SECLUSION	
1.	<p>Q. What does <i>seclusion</i> mean?</p> <p>A. <i>Seclusion</i> means the <i>involuntary confinement</i> of a student <i>alone</i> in a room from which the student is <i>physically prevented from leaving</i> [OAR 581-021-0550(6)].</p>
2.	<p>Q. What constitutes <i>seclusion</i>?</p> <p>A. When the student imposes reasonable imminent threat of serious bodily injury to self or others, and other less invasive strategies have been exhausted and were not effective.</p>
3.	<p>Q. What <i>does not</i> constitute <i>seclusion</i>?</p> <p>A. The removal of a student for a short 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. Seclusion may not be used for discipline, punishment or convenience of personnel of the public education program.</p>
4.	<p>Q. Is in-school suspension (ISS) the same thing as <i>seclusion</i>?</p> <p>A. No. <i>Seclusion</i> means the involuntary confinement of a student alone in a room, and from which the student is prevented from leaving. A student in seclusion must be continuously monitored visually. Students in in-school suspension (ISS) rooms must be monitored by staff. Often, more than one student is assigned to the in-school suspension room during a given time period. While a student assigned to in-school suspension should remain there as directed, the student should not be physically prevented from leaving the designated ISS room unless the use of physical restraint and/or seclusion is necessary because the “student’s behavior poses a reasonable threat of imminent, serious bodily injury to the student or others.”</p>
5.	<p>Q. Is there a time limit for how long a student can be placed in <i>seclusion</i>?</p>

	<p>A. The student shall remain in seclusion only until the student’s behavior no longer poses a reasonable threat of imminent, serious bodily injury to the student or others. If the seclusion continues for more than 30 minutes, the following needs to occur:</p> <p>The student must be provided access to the bathroom and water;</p> <p>School personnel must immediately attempt to verbally or electronically notify parents; and</p> <p>Every 15 minutes after the first 30 minutes, an administrator must provide written authorization for the continuation of the seclusion, including the reason why it must be continued.</p>
6.	<p>Q. Must a student be <i>continuously monitored</i> while in seclusion and what does this mean?</p> <p>A. Yes. <i>Continuous monitoring</i> means that a staff member shall keep the student in full view at all times while the student remains in seclusion.</p>
7.	<p>Q. If a student calms down right away after being placed in seclusion is the school required to notify his/her parents, complete a seclusion incident report and hold a debriefing meeting?</p> <p>A. Yes. Every time a student is placed in seclusion the school must give the parent(s) verbal or electronic notification by the end of the school day, and written documentation within 24 hours [OAR 581-021-0556(2)(a-b)]. Within two days of the incident, a documented debriefing meeting needs to occur, including staff involved in the seclusion. Parents and/or guardians need to be provided a copy of the debriefing documentation [OAR 581-021-0556(4)(a)].</p>
8.	<p>Q. What is the definition of a student being <i>alone</i> in a room?</p> <p>A. Being <i>alone</i> means that the student is physically separated from others, and, by the definition of seclusion, is ‘<i>prevented from leaving</i>’ the room. The student is alone in the room where the seclusion is occurring. There are not other students or staff in the room. The student, however, is continually visually monitored by staff.</p>
9.	<p>Q. Does staff need to be in the room with the student to keep them <i>in full view</i> or could there be a window or half door separating the student from the staff member/s?</p> <p>A. The room used for seclusion must allow staff <i>full view</i> of the student in all</p>

	<p>areas of the room. The staff must be able to easily access and intervene with the student if needed for safety.</p> <p>Windows and half doors are permissible as long as the student is in full view of the staff, and equally the student can see out of the room. Per OAR 581-021-0568(d), the door must open outward and contain a port of shatterproof glass or plastic through which the entire room may be viewed from outside; half doors are acceptable options as well where direct visual monitoring can occur.</p>
10.	<p>Q. What is an appropriate seclusion area or room?</p> <p>A. An appropriate seclusion room or area is one that is <i>free of potential harmful objects</i>, such as unprotected light fixtures, electrical outlets and items that could be used as weapons. It must be an area that will ensure the safety of the student and all involved. <i>The room must not be isolated from school staff of the facility.</i> The main feature defining <i>seclusion</i> is that the student is alone in a room and physically prevented from leaving the area/room. See seclusion room standards and specifications in OAR 581-021-0568.</p>
11.	<p>Q. What are the standards for rooms used for seclusion?</p> <p>A. ) Any wall that is part of the room used for seclusion must be part of the structural integrity of the room (not free standing cells or portable units attached to the existing wall or floor), and must be no less than 64 square feet; the distance between adjacent walls must be no less than 7 feet across.</p> <p>(b) The room must not be isolated from school staff of the facility;</p> <p>(c) Doors must be unlocked or equipped with immediate-release locking mechanisms;</p> <p>(d) The door must open outward and contain a port of shatterproof glass or plastic through which the entire room may be viewed from outside; half doors are acceptable options as well where direct visual monitoring can occur.</p> <p>(e) The room must contain no protruding, exposed, or sharp objects;</p> <p>(f) The room must contain no free standing furniture.</p> <p>(g) Windows must be transparent for both staff and the student to see in/out, and made of unbreakable or shatterproof glass or plastic. Non-shatterproof glass must be protected by adequate climb-proof screening;</p> <p>(h) There must be no exposed pipes or electrical wiring in the room. Electrical outlets must be permanently capped or covered with a metal shield secured by tamper-proof screws. The room must contain lights which must be recessed or covered with screening, safety glass or unbreakable plastic. Any cover, cap or shield must be secured by tamper-proof screws;</p> <p>(i) The room must meet State Fire Marshal fire, safety, and health standards. If sprinklers are installed, they must be recessed and/or covered with a cage. If pop-down type, sprinklers must have breakaway strength of less than 80 pounds. In lieu of sprinklers, combined smoke and heat detector must be used</p>

	<p>with similar protective design or installation;          (j) The room must be ventilated; heating and cooling vents must be secure and out of reach;          (k) The room must be designed and equipped in a manner that would not allow a child to climb up a wall;          (l) Walls, floor and ceiling must be solidly and smoothly constructed, to be cleaned easily, and have no rough or jagged portions; and          (m) Seclusion cells are prohibited as provided in OAR 581-021-0569.</p>
12.	<p>Q. What does "structural integrity" mean when determining whether or not a room used for seclusion is a seclusion cell? [Note: the law indicates a 'Seclusion cell' means a freestanding, self-contained unit, and any wall that is part of the room used for seclusion must be part of the <i>structural integrity</i> of the room].</p> <p>A. Structural integrity (April, 2014) <i>largely refers to those objects' soundness of design and construction, including safety and workability. Structural integrity is an essential component of all structural engineering projects, ...buildings, ...and other structures that ... apply to the safety of humans.</i>          Retrieved from: <a href="http://www.ehow.com/about_6510702_define-structural-integrity.html#ixzz32Bnv5wxC">http://www.ehow.com/about_6510702_define-structural-integrity.html#ixzz32Bnv5wxC</a></p> <p>The intent of the seclusion room statutes was to ensure that any rooms built met certain standards, per OAR 581-021-0568, were stick built with their own existing walls or stick built to blend with existing walls versus being panels that are bolted to the floor and walls, or free standing units.</p>
13.	<p>Q. What constitutes safe <i>screening</i> to ensure student safety from lights, electrical outlets, windows, etc, as noted in the seclusion standards, OAR 581-021-0568?....</p> <p>A. It would be prudent for safety screens to be designed in a manner keeping students fingers from getting entangled in them.</p>
14.	<p>Q. When seclusion is included in a student's behavior support plan, what guidelines are used when responding to student behaviors?</p> <p>A. When a behavior support plan includes seclusion as a means of responding to student behavior, the use of seclusion is initiated only <i>when other less restrictive interventions would not be effective and the student's behavior imposes a reasonable threat of imminent, serious bodily injury to the student or others, per OAR 581-021-0553(2(a)(A-B))</i></p>

15.	<p><i>Examples of Seclusion:</i></p> <p>*Student is alone and prevented from leaving the room after a “room clear” with the teacher/staff person on the outside of the room.</p> <p>*The student is physically separated from others in the classroom and prevented from leaving the designated area with the teacher/staff person outside of the designated area.</p>
	<p><i>Non-Examples of Seclusion:</i></p> <p>*The room is “cleared” and a teacher or staff person remains in the room with the student to assist with behavior management.</p> <p>*The student is physically separated from others in the classroom in a designated area and there is a teacher/staff person present with that student in the designated area.</p>
PHYSICAL RESTRAINT	
16.	<p>Q. What does <i>physical restraint</i> mean?</p> <p>A. <i>Physical restraint</i> means the restriction of a student's movement by one or more persons holding the student or applying physical pressure upon the student. It <i>does not</i> include the touching or holding of a student without the use of force for the purpose of directing, re-directing, and/or prompting the student or assisting the student in completing a task or activity [OAR 581-021-0550(3)(a)&amp;(b). The use of chemical, mechanical and prone restraints are prohibited [OAR 581-021-0553(1)].</p>
17.	<p>Q. When can <i>physical restraint</i> be used?</p> <p>A. When the student imposes a reasonable imminent threat of serious bodily injury to self or others, and other less invasive strategies have been exhausted and were not effective.</p>
18.	<p>Q. Is there a time limit for how long a student can be placed in physical restraint?</p> <p>A. The student is physically restrained only until the student’s behavior no longer poses a reasonable threat of imminent, serious bodily injury to the student or others. If the restraint continues for more than 30 minutes, the following needs to occur:</p>

	<p>The student must be provided access to the bathroom and water. This means the student is offered water and a bathroom break. If the student is still in the throes of escalated behavior, going to the bathroom at that moment would not be prudent. Staff must exercise good judgment to avoid causing a more serious crisis or safety risk.</p> <p>Every 15 minutes after the first 30 minutes, an administrator must provide written authorization for the continuation of the restraint, including the reason why it must be continued. At each 15 minutes interval, the need for water and the readiness for the student to use the bathroom will be assessed, offered, and documented.</p> <p>School personnel must immediately attempt to verbally or electronically notify parents.</p>
19.	<p>Q. Must a student be continuously monitored while being physically restrained?</p> <p>A. Yes. At a minimum, the staff person administering the physical restraint must monitor the student's condition, making sure the student is able to breathe and is not being unduly harmed. Whenever additional staff members are present, it is best practice to have a staff member who is not involved in the physical restraint monitoring the student's condition at all times, including checking to ensure that the student is able to breathe, is not being unduly harmed in any way, and the joints are not being overly pressured in some manner. The district is expected to follow the guidelines provided by an approved training program on number of needed staff. Best practice often suggests at least 3 staff members should be present. It is suggested one to two staff members implement the restraint and a third staff member monitors the student's condition and coordinates staff actions. Staff should be available to trade off on the restraint if needed due to fatigue.</p>
20.	<p>Q. Is it considered <i>physical restraint</i> when a staff member is escorting a student out of the classroom or down the hall and has physical contact with the student by placing their hand on the student's person, e.g. arm?</p> <p>A. <i>Physical restraint</i> means the restriction of a student's movement by one or more persons holding the student or applying physical pressure upon the student. It does not include the touching or holding of a student without the use of force for the purpose of physically re-directing and/or prompting the student or assisting the student in completing a task or activity. The use of a chemical restraint, mechanical restraint or prone restraint on a student in a public education program in this state is prohibited.</p>

21.	<p>Q. If a student calms down right away after being placed in a physical restraint, is the school required to notify his/her parents, complete a physical restraint incident report and hold a debriefing meeting?</p> <p>A. Yes. Every time a student is placed in a physical restraint the school must give the parent(s) verbal or written notification by the end of the day the incident occurred. Within two days of the incident a documented debriefing by appropriate staff must occur and include staff involved in the physical restraint. Parents or guardians need to be provided a copy of the meeting notes from this debriefing. <i>OAR 581-021-0556</i></p>
22.	<p>Q. Educational programs that are located in facilities subject to different rules regarding the use of physical restraint and seclusion are not subject to these rules. What are those programs and what regulations apply?</p> <ul style="list-style-type: none"> <li>• Educational programs located in a treatment program, a juvenile detention facility as defined in <i>ORS 419A.004</i>, a youth correctional facility as defined in <i>ORS 420.005</i>, and youth substance abuse programs are subject to different regulations regarding the use of physical restraint and seclusion.</li> <li>• The rules for students in treatment programs can be referred to in <i>the Use of Restraint for Patients and Resident in State Institutions, Department of Human Services, Addictions and Mental Health Division: Mental Health Services regulations</i>.</li> <li>• Students in <b>juvenile detention facilities</b> or <b>youth correctional facilities</b> are subject to <i>Division 490, Use of Isolation, Physical Intervention, and Restraint in OYA Close Custody Facilities, Oregon Youth Authority regulations</i>.</li> <li>• Students placed in substance abuse programs that provide educational programs are subject to <i>the Office of Alcohol and Drug Abuse Program regulation OAR 415-050-0020</i>.</li> </ul> <p>The law and administrative rules surrounding restraint and seclusion applies only to students enrolled in <i>Public Education Programs</i>. Public education programs defined by the following:</p> <p>a) Are for students in early childhood education, elementary school or secondary school;</p> <p>b) Are under the jurisdiction of a school district, an education service district or another educational institution or program; and,</p> <p>(c) Receive, or serve students who receive, support in any form from any program supported, directly or indirectly, with funds appropriated to the <i>Department of Education</i>. [<i>OAR 581-021-0550(5)(a-c)</i>].</p>

23.	<p>Q. When physical restraint is included in a student’s behavior support plan, what guidelines are used when responding to student behaviors?</p> <p>A. When a behavior support plan includes physical restraint as a means of responding to student behavior, the use of physical restraint should be initiated only “when other less restrictive interventions would not be effective and the student’s behavior poses the threat of imminent, serious, bodily injury to the student or others” OAR 581-021-0553(2)(a)(A)&amp;(B).</p> <p>Guidelines for writing a behavior plan include, but are not limited to, the following:</p> <ul style="list-style-type: none"> <li>• Function-based,</li> <li>• Specific about triggers of the behavior,</li> <li>• Describes what the behavior manifests as or looks like,</li> <li>• Specifies how staff should intervene and respond with various behaviors and at various stages,</li> <li>• Specifies how to respond with continual less invasive interventions at various stages of escalation if needed, and finally,</li> <li>• Specifies what behavior/s would ultimately result in restraint and/or seclusion after less invasive measures have been rendered ineffective.</li> </ul> <p>Again, the restraint and seclusion should be implemented only as specified in OAR 581-021-0553 (2)(a)(A)&amp;(B) above, and implemented by staff trained in an approved by the ODE, de-escalation/restraint and seclusion program. [OAR 581-021-0553(2)(c)(B)(i)].</p>
24.	<p>Q. What would constitute mechanical restraint versus the use of adaptive equipment to assist a student with a disability?</p> <p>A. Mechanical restraint is prohibited in the State of Oregon and can never be used to restrain a student who poses an imminent threat of serious bodily injury. Protective and stabilizing devices to assist students with disabilities (ie.- for feeding, maintaining support/posture when sitting and/or standing, swings to address sensory needs, etc.) do not represent mechanical restraint. OAR 581-021-0550(2)(a&amp;b). These devices are recommended by the IEP team for the purpose of providing access to FAPE for the student, and are not to be used for behavior management, physical restraint, and/or for the convenience of staff.</p>
25.	<p>Examples of Physical Restraint:</p> <p><i>* Restriction of a student's movement by one or more persons holding the student or applying physical pressure upon the student because there is reasonable threat of imminent serious bodily injury to self or others. *The</i></p>

	<p>student continues to resist after the implementation of less invasive measures and becomes escalated to the point of presenting a reasonable threat of imminent serious bodily injury to themselves or others.</p> <p><i>OAR 581-021-0550(3)(a&amp;b)</i></p> <p>Non-Examples of Physical Restraint:</p> <ul style="list-style-type: none"> <li>*"Hand over Hand" prompting for instructional purposes</li> <li>*Re-directing the student from a potentially dangerous situation by taking his/her hand or arm and gently guiding them away.</li> <li>*The student willingly goes when physically escorted (i.e. - holding the hand, arm around the shoulder) by a staff member.</li> <li>*Providing deep pressure to a student who is in need of sensory input, as per the student's educational program</li> </ul>
<p><b>STAFF TRAINING REQUIREMENTS</b></p>	
<p>26.</p>	<p>Q. What does OAR 581-021-0553(2)(c)(B)(i) mean when it states that <i>only staff who are current in the required training in accordance with an approved training program, through the ODE, may impose physical restraint or seclusion with a student except when an emergency exists?</i></p> <p>A. Staff members must be trained in a program approved by the ODE, and selected by the district and/or school program, to implement physical restraint on a student except in an emergency situation that might require an untrained staff member to implement restraint upon a student, in accordance with the law and rules regarding restraint and seclusion, as per OAR 581-021-0553(2)(c)(B)(i).</p>
<p>27.</p>	<p>Q. Must staff be trained in the use of physical restraint and seclusion before restraining a student in an emergency situation?</p> <p>A. No, in an emergency situation, a school administrator, teacher, or other school employee who are not trained may use physical restraint or seclusion if a student's behavior poses a reasonable threat of imminent, serious bodily injury to self or others. [OAR 581-021-0553(2)(c)(B)(ii)]</p>
<p>28.</p>	<p>Q. Can a school employee who has not been trained in an approved training program by the ODE, use physical restraint or seclusion on a student when the use of physical restraint and/or seclusion is included in the student's behavior support plan?</p> <p>A. Yes, if it is an emergency situation. However, when physical restraint</p>

	<p>and/or seclusion are used as part of a behavior support plan in the student's IEP or Section 504 plan, best practice and compliance with the law requires staff members to be trained. Staff working with a student who has restraint and/or seclusion as a possible intervention in a behavior support plan need to be trained in an approved training program addressing de-escalation procedures and the proper use of physical restraint and seclusion.</p>
<p>DOCUMENTATION REQUIREMENTS</p>	
<p>29.</p>	<p>Q. What are the requirements for parent notification after the use of either seclusion or physical restraint?</p> <p>A. Parents must be notified following an incident involving the use of physical restraint or seclusion. Notification must include the following:</p> <ul style="list-style-type: none"> <li>• <b>Parent/s Notified verbally or electronically of the incident by the end of the school day when the incident occurred;</b></li> <li>• <b>Parent/s receive written documentation of the incident within 24 hours of the incident</b> that provides a description of the physical restraint or seclusion and includes the date, the times when the physical restraint or seclusion began and ended, the location, a description of the student's activity that prompted the use of physical restraint or seclusion, efforts used to de-escalate the situation, the names of the personnel of the public education program along with their training status who administered the physical restraint or seclusion; and</li> <li>• <b>Parent/s provided timely notification of a debriefing meeting to be held within 2 days and of the parent's or guardian's right to attend the meeting [OAR 581-021-0556(1)&amp;(2)(a)&amp;(b)(A-H); and (4)(a)].</b></li> </ul>
<p>30.</p>	<p>Q. What is meant by a <i>documented debriefing by appropriate staff</i>? Who should be included and when must the debriefing occur?</p> <p>A. A debriefing meeting is held regarding the use of physical restraint or seclusion within 2 school days of the incident and must include all personnel of the public education program who were involved in the incident and any other appropriate personnel, per OAR 581-021-0556(4)(a), and must be documented.</p>
<p>31.</p>	<p>Q. What is the purpose of the debriefing meeting and what issues should be reviewed by the debriefing team?</p> <p>A. The primary purpose of the debriefing is to review the incident and take any</p>

	<p>actions necessary to reduce the chances that such an incident will reoccur. The debriefing session provides an opportunity to discuss the circumstances resulting in the use of physical restraint and/or seclusion. After reviewing the incident report and checking for accuracy, the debriefing team conducts a review of the factors that precipitated the event, the de-escalation techniques used, the physical restraint technique(s) utilized, outcome/s of the intervention/s, including any injuries to student(s) or staff that may have resulted from the incident, prior incidents of physical restraint or seclusion utilized with this student, and any other relevant factors that the debriefing team deems appropriate. The team may decide to initiate a functional behavioral assessment and set up a behavior support plan to address the misbehavior if deemed appropriate. If a behavior support plan is already in place, the team might want to consider modifying it and/or conducting further function-based assessments to assist with modifying or enhancing the effectiveness of the behavior support plan. Best practices would suggest a function-based behavior support plan is developed after the second time restraint or seclusion is implemented with a student. <b>The law indicates that a behavior support plan must be adjusted after 5 incidents leading to restraint.</b></p>
32.	<p>Q. Districts and public education programs are required to report and publicize annually, at both the local or district and state levels, the use of physical restraint and seclusion. What is the purpose of this annual review and what is needed to fulfill the <i>document process</i> requirement?</p> <p>A. The primary purpose of the annual reporting is to ensure that all district policies are being implemented regarding the use of physical restraint and seclusion and to determine if current district practices have been effective in improving student behaviors and minimizing the use of physical restraint and seclusion.</p> <p>The annual report requires each entity that has jurisdiction over a public education program to prepare a local report available to the districts' stakeholders at the local level, as well as must prepare and submit to the Superintendent of Public Instruction an annual report detailing the use of physical restraint and seclusion for the preceding school year, including, at a minimum the following:</p> <ul style="list-style-type: none"> <li>• The total number of incidents involving physical restraint;</li> <li>• The total number of incidents involving seclusion;</li> <li>• The total number of seclusions in a locked room;</li> <li>• The total number of students placed in physical restraint;</li> <li>• The total number of students placed in seclusion;</li> <li>• The total number of seclusion rooms available; and a description, including the location of those rooms, designated solely for seclusion;</li> <li>• The total number of incidents that resulted in injuries or death to</li> </ul>

	<p>students or personnel as a result of the use of physical restraint or seclusion;</p> <ul style="list-style-type: none"> <li>• The number of students who were placed in physical restraint or seclusion more than 10 times in the course of a school year and an explanation of what steps have been taken by the public education program to decrease the use of physical restraint and seclusion for each student;</li> <li>• The number of incidents in which the personnel of the public education program administering physical restraint or seclusion were not trained; and</li> <li>• The demographic characteristics of all students upon whom physical restraint or seclusion was imposed, 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</li> </ul> <p>[OAR 581-021-0559(1)(a-j)]</p>
33.	<p>Q. Is a separate incident log required for each student?</p> <p>A. Best practices suggest that an incident log be maintained for each student involved in a physical restraint and/or seclusion incident to facilitate “<i>tracking</i>” of behavior. Depending on the specifics, the situation or circumstances associated with the student (ie. special education or general education), the log might be filed in different ways and retained accordingly in compliance with the law and district policies and procedures.</p>
REPORTING REQUIREMENTS OAR 581-021-0559	
34.	<p>Q. What are the <i>Annual Reporting Requirements</i>?</p> <p>A. The <i>annual reporting requirement</i> regarding restraint and seclusion includes that all incidents occurring the preceding school year must be collected and made available by the local school district or entity, consortium or cadre that has jurisdiction over the school district, ESD or component school districts. The report must also be submitted to the State Deputy Superintendent of Public school beginning with the 2013-14 school year. The annual report is a public record that is to be kept permanently. {reference OAR 581-021-0559}</p>
35.	<p>Q. When making the annual report available to the public, what are the responsibilities of the entities that have jurisdiction over a public education program?</p>

	<p>A. The annual report must be made public to the following:</p> <ul style="list-style-type: none"> <li>• The State Deputy Superintendent of Public Instruction via the State restraint and seclusion collection (beginning the 2013-14 school year).</li> <li>• The entity's <b>main office and the website</b>;</li> <li>• The school board or governing body overseeing the entity;</li> <li>• If the entity is an education service district, the component school districts of the education service district;</li> <li>• If the entity is a public charter school, the sponsor of the public charter school;</li> <li>• The parents and guardians of students in a public education program shall be advised, at least once each school year, about accessing the annual report.</li> </ul>
37.	<p>Q. Is an incident report required for each student?</p> <p>A. An incident report will be maintained for each student involved in a physical restraint and/or seclusion incident to facilitate tracking of behavior. Sample student incident reports are provided at the end of this document.</p>
38.	<p>Q. When must a student's behavior plan be developed, reviewed, amended and modified?</p> <p>A. If a student is involved in five (5) incidents in a school year involving physical restraint or seclusion, a team consisting of personnel of the public education program and a parent or guardian of the student must be formed for the purposes of reviewing and revising the student's behavior plan and ensuring the provision of any necessary behavioral supports. OAR 581-021-0556(5)</p>
39.	<p>Q. When must a report to the state collection specify the corrective actions a district will take to address the physical restraint or seclusion of a student?</p> <p>A. The number of students who were placed in physical restraint or seclusion more than ten (10) times in the course of a school year must include an explanation of what steps have been taken by the public education program to decrease the use of physical restraint and seclusion for each student. OAR 581-021-0559(1)(h)</p>
<p><b>General Questions regarding students with Accommodation plans and/or Special Needs</b></p>	
40.	<p>Q. When should seclusion and/or physical restraint get included in a behavior support plan?</p> <p>A. If a student is on an IEP or Section 504 plan and the team could reasonably foresee that the student may require seclusion and/or physical restraint, either due to the nature and severity of the student's behavior and/or a history of the</p>

	<p>use of seclusion/physical restraint, then steps are taken to include the use of seclusion and/or restraint in the behavior support plan. Prior to the implementation of any behavior support plan that includes physical restraint and/or seclusion, a functional behavior assessment must be completed.</p>
41.	<p>Q. Should a behavior support plan be developed for students currently on an IEP or 504 plan if the student’s behavior results in the use of seclusion or physical restraint?</p> <p>A. If the student with an IEP or 504 plan has been secluded or restrained and does not have a behavior support plan including seclusion and/or restraint, then the appropriate individuals (IEP team, 504 plan team) need to promptly meet and consider the need for a behavior support plan. When the plan is developed following the completion of a Functional Behavioral Assessment, the team needs to determine whether or not to include seclusion and/or physical restraint as a possible intervention. The behavior support plan needs to specify the behaviors and interventions to be implemented by staff at various levels and stages to de-escalate behavior with less invasive interventions. Restraint and seclusion are last resort interventions after less invasive measures have been ineffective.</p>
42.	<p>Q. What actions should a district take when a student who has not been identified as eligible for special education or a 504 plan is subjected to frequent seclusion and/or physical restraints?</p> <p>A. The student needs to be promptly referred for consideration of eligibility for special education or a Section 504 plan. In addition, the team needs to consider the development of a behavior support plan that may include seclusion and/or restraint, even if the student is not found eligible under IDEA or Section 504. Best practices would suggest conducting a functional behavioral assessment and implementing a behavior support plan after two incidents of restraint or seclusion, whereas the law requires the implementation of a behavior plan after five incidents.</p>

## I. Use of Physical Restraint and Seclusion

Physical restraint is used as a part of a behavior support plan when other less restrictive interventions are not effective and the child's behavior imposes a threat of imminent, serious bodily injury to the child or others; or

In an emergency, physical restraint is used by a program administrator, teacher, program employee, or volunteer as necessary to prevent a child from harming him/herself, other children, and staff in accordance with OARs 581-021-0553 and 581-021-0556.

Physical restraint is used only for as long as the child's behavior poses a threat of imminent, serious bodily injury to the child or others [OAR 581-021-0553(2)(A)].

Staff will continuously monitor a child's status during physical restraint [OAR 581-021-0553(2)(C)].

Training programs or systems of physical restraints selected for use in the EI/ECSE program must include the use of evidence-based techniques and skills training, positive behavior supports, conflict prevention, de-escalation, and crisis response techniques.

Only staff who are current with required training in accordance with an approved training program will implement physical restraint with a student, except in cases of emergency as described in OAR 581-021-0553(B)(ii).

### Citations:

OARs 581-021-0550, 0553, 0556, 0559, 0563, 0566, 0568, 0569, and 0570 - Physical Restraint and Seclusion

## II. PROGRAM CONSIDERATIONS

- Oregon rule allows use of physical restraint or seclusion in a public education program only under the following two situations:
  - When other less restrictive interventions would not be effective and the student's behavior imposes a threat of imminent, serious bodily injury to the student or others;
  - For only as long as the student imposes the threat of imminent, serious bodily injury to self or others.
- After exhausting all less invasive interventions that have not been effective, whenever possible, give the student a warning that if he/she harms or attempts to harm him/herself or someone else, he/she will be restrained. This might help the student regain control of his/her own behavior.
- Staff members using physical restraint or seclusion must be trained in an Oregon Department of Education approved de-escalation/restraint and seclusion program. The district or program select their own training program.
- If restraint or seclusion is part of a Behavior Support Plan (BSP), the plan lists a variety of interventions to prevent and de-escalate a crisis situation, and staff should use those interventions unless there is the threat of imminent, serious bodily injury to the student or others.
- When including physical restraint in a BSP, the team must to include other less restrictive or invasive interventions on the plan to attempt to de-escalate the student first.
- Continuous monitoring of a student during the use of physical restraint and seclusion is a must. A student must always be able to breathe and speak during a physical restraint.
- Never restrain a student longer than absolutely necessary. The training will increase your awareness of the physiological and emotional signs associated with a student starting to calm or de-escalate. When appropriate, let the student know that as soon as s/he becomes calm and quiet, you will begin the process of releasing the student.

- School personnel and/or staff members need to avoid getting into power struggles with students; don't respond to the student's verbal taunts. Emotions need to be kept in check and interactions are to be professional.
- Whenever possible, physical restraint should not be done in front of other students. It is more respectful of the student in crisis and minimizes the impact of the event on others. It would be preferable to clear the room of other students when a student is in crisis in order to protect the students and provide privacy for the student being restrained.
- Verbal threats or refusal to comply with staff directives or school rules do not warrant physical restraint.
- Physical restraint or seclusion may not be used for discipline, punishment or convenience of personnel of the public education program.
- Physical restraint must be applied in such a way that it is safe and only reasonable force is used.
- Document the incident report as soon as possible after the incident. Each staff member or person involved should document his/her version of the incident.
- Ideally, the person applying restraint would be the same gender as the student being restrained.
- Ideally, the staff member monitoring the student during the restraint would have rapport with that student to assist with recovery from the crisis.

For additional information please contact the Safe & Healthy Schools Coordinator at the Oregon Department of Education by email [michael.mahoney@state.or.us](mailto:michael.mahoney@state.or.us) or phone 503-947-5628, or visit the webpage <http://www.ode.state.or.us/search/results/?id=107>

### III. The Use of PHYSICAL RESTRAINT AND SECLUSION with EARLY INTERVENTION AND EARLY CHILDHOOD SPECIAL EDUCATION PROCEDURES

This section applies to the use of physical restraint in Early Intervention (EI) and Early Childhood Special Education (ECSE).

#### a. Definitions:

- Physical Restraint: The restriction of a child's movement by one or more person's holding the child or applying physical pressure upon the child. Physical restraint does not include touching or holding a child without the use of force for the purpose of directing the child or assisting the child in completing a task or activity.
- [Seclusion: The involuntary confinement of a child alone in a room from which the child is prevented from leaving. Seclusion does not include removing a child for a short time to provide the child with an opportunity to regain self-control, in a setting from which the child is not physically prevented from leaving]. Note: seclusion is not an appropriate intervention for young children. A young child is to never be alone in a room.
- ECSE is considered a *Public Education Program*. A public education program is defined as follows:

#### A. *Public Education Program means a program that meets the following:*

1. *It is for children in early childhood education, elementary school or secondary school;*
2. *It is under the jurisdiction of a school district, an education service district (ESD) or another educational institution or program; and*
3. *Receives, or serves students who receive, support in any form from any program supported, directly or indirectly, with funds appropriated to the Department of Education.*

#### B. Public education programs must meet all three requirements above.

Citations:

OAR 581-021-0550 Definitions – Use of Physical Restraint and Seclusion

b. Use of Seclusion with Children in ECSE programs

As stated above, seclusion is not an acceptable option for use with young children. A young child should never be left *alone* in a room.

If a child is not in need of physical restraint to prevent threat of imminent, serious bodily injury to self or others, the child could be removed or separated from other children 'for a short time to provide the child with an opportunity to regain self-control, in a setting from which the child is not physically prevented from leaving, per OAR 581-021-0550(6)(a). The child being removed or separated from other children is accompanied by an adult.

- c. Documentation of Physical Restraint in ECSE Parents or guardians are notified verbally or electronically following the use of physical restraint by the end of the day the incident occurred, per OAR 581-021-0556(2)(a-b).
- Parents or guardians receive written notification of any incidents of physical restraint within 24 hours.
- Within 48 hours of the incident, a debriefing meeting related to the use of physical restraint is held and must include all personnel of the ECSE program that is under the jurisdiction of a public education program who were involved in the incident, and include other appropriate personnel. Written notes must be taken of the debriefing meeting, and a copy of the written notes must be provided to a parent or guardian of the student [OAR 581-021-0556(4)(a)].
- Documentation requirements for the use of any physical restraint that meet the definitions, per OAR 581-021-0556(2)(A-H), include:
  1. Verbal or electronic notification of the incident by the end of the child's school day when the incident occurred.
  2. Written documentation of the incident within 24 hours of the incident that includes the following:
    - a. I. The name of the child. II. e name of the staff member(s) who administered the physical restraint.
    - b. III. The date of the restraint, and the time the restraint began and ended.
    - c. IV. The location of the restraint.

d. V. A description of the restraint.

VI. A description of the training status of the personnel of the program who administered the physical restraint, including any information that may need to be provided to the parent or guardian.

VII. A description of the child's activity immediately preceding the behavior that prompted the use of restraint.

VIII. A description of the child's behavior that prompted the use of restraint.

IX. The efforts to de-escalate the situation and alternatives to restraint that were attempted. Staff must be trained in approved training programs that teach de-escalation methods, along with conflict prevention and crisis response techniques that are consistent with the philosophy of positive behavior supports and teach evidence-based techniques and skills training, per OAR 581-021-0563.

X. If personnel of the child's program who administered the physical restraint have not received training from a program approved by the Department of Education, the parent or guardian must receive written notification of such by the administrator of the ECSE program reporting the lack of training and the reason the restraint was administered by a person without training.

XI. Information documenting parent or guardian contact and notification.

XII. A debriefing meeting must be held within 48 hours of the incident, and must include all personnel of the program who were involved in the incident and other appropriate personnel.

XIII. A copy of the written summary of the debriefing meeting must be provided to the parent or guardian of the child.

- Each program shall have a documented process for annual review of the use of physical restraint that is available to the local public education program who has jurisdiction of the ECSE program. The annual report also needs to be submitted to the Deputy Superintendent of Public Instruction.

Citations:

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OARs 581-021-0556, 0559 & 0563 -Procedures, Reporting  
Requirements & Training

## SAMPLE SCHOOL BOARD POLICIES & PROCEDURES

### Use of Physical Restraint and Seclusion

OARs 581-021-0550, -0553, -0556, -0559, -0563, -0566

### DISCLAIMER

Attached are the policy samples. You may print these policies but should present them to the school board for discussion, any modifications and final adoption. The policies CANNOT be adopted in their current formats. You must make a choice for all text in brackets and you must make a choice regarding any redline and strikeout text.

Oregon School Boards Association Selected Sample Policy
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### Use of Restraint and Seclusion

The Board is dedicated to the development and application of best practices within the district's public educational/behavioral programs. It is the intent of the Board to establish a policy that defines the circumstances that must exist and the requirements that must be met prior to, during and after the use of restraint and/or seclusion as an intervention with district students.

### Definitions

“Physical restraint” means the restriction of a student’s movement by one or more persons holding the student or applying physical pressure upon the student. “Physical restraint” does not include touching or holding a student without the use of force for the purpose of directing the student or assisting the student in completing a task or activity. The definition of “physical restraint” does not include the use of mechanical, chemical or prone restraint of a student as these methods are prohibited by Oregon law.

“Seclusion” means the involuntary confinement of a student alone in a room from which the student is physically prevented from leaving.

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, in a setting from which the student is not physically prevented from leaving.

“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.

“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 protective or stabilizing device ordered by a licensed physician; or
- A vehicle safety restraint when used as intended during the transport of a student in a moving vehicle.

“Chemical restraint” means a drug or medication that is used on a student to control behavior or restrict freedom of movement that has not been prescribed by a licensed health professional or other qualified health care professional acting under the professional’s scope of practice.

“Prone restraint” means a restraint in which a student is held face down on the floor.

The use of physical restraint and/or seclusion is only permitted as a part of a behavioral support plan when other less restrictive interventions would not be effective and the student’s behavior poses a threat of imminent, serious physical harm to the student or others.

Except in the case of an emergency, only staff current in the required training in accordance with the district-designated physical restraint and seclusion training program will implement physical restraint or seclusion with a student. In an emergency, physical restraint and/or seclusion may also be used by a school administrator, teacher or other school employee [or volunteer] as necessary when the student’s behavior imposes a reasonable threat of imminent, serious bodily injury to the student or to others. The use of physical

restraint/seclusion under these circumstances is only allowed so long as the student's behavior poses a threat of imminent, serious physical harm to themselves or to others. Staff shall constantly monitor any student being restrained or secluded within the district, for the duration of the intervention, whether in an emergency or as a part of a plan. Any room used for seclusion of a student must allow staff full view of the student in all areas of the room and be free of potentially hazardous conditions such as unprotected light fixtures and electrical outlets.

The district shall utilize the [ ] training program of physical restraints and seclusion for use in the district. As required by state regulation, the selected program shall include: behavioral support, prevention, de-escalation and crisis response techniques. Any program selected by the district must be in compliance with state and federal law with respect to the use of restraint and/or seclusion.

An annual review of the use of physical restraint and seclusion, including a review of all district cases involving restraint and/or seclusion, shall be completed to ensure compliance with district and state policies and procedures. The results of the annual review shall be documented and shall include at a minimum:

1. The total number of incidents involving physical 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 physical restraint;
5. The total number of students placed in seclusion;
6. The total number of seclusion rooms available; and a description, including the location of those rooms, designated solely for seclusion;
7. The total number of incidents that resulted in injuries or death to students or personnel as a result of the use of physical restraint or seclusion;
8. The number of students who were placed in physical restraint or seclusion more than 10 times in the course of a school year and an explanation of what steps have been taken by the public education program to decrease the use of physical restraint and seclusion for each student;
9. The number of incidents in which the personnel of the public education program administering physical restraint or seclusion were not trained; and
10. The demographic characteristics of all students upon whom physical restraint or seclusion was imposed, 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.

This report shall be made available to the School Board, the public at the district's main office and on the district's website. It further must be submitted annually to the Deputy Superintendent of Public Instruction.

At least once each school year, the public shall be notified as to how to access the report.

The district shall investigate all complaints regarding the use of restraint and/or seclusion practices according to the procedures outlined in Board policy KL and KL-AR - Public Complaints. Complaints may also be made to the Deputy Superintendent of Public Instruction if the parent, guardian, or person filing the complaint has first exhausted the local district complaint process and continues to remain dissatisfied with the district's response to the complaint, per OAR 581-021-0570.

The superintendent of each school district 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 physical restraint or seclusion by district personnel.

END OF POLICY

Legal Reference(s):

[ORS 161.205](#)

[ORS 339.250](#)

[OAR 581-021-0061](#)

[OAR 581-021-0062](#)

DISCLAIMER

Attached are the policy samples. You may print these policies but should present them to the school board for discussion, any modifications and final adoption. The policies CANNOT be adopted in their current formats. You must make a choice for all text in brackets and you must make a choice regarding any redline and strikeout text.

Oregon School Boards Association  
Selected Sample Policy

Code: JGAB

Adopted:

Use of Restraint and Seclusion  
GENERAL GUIDELINES

Parents will be provided verbal or electronic notification by the school staff following the use of physical restraint or seclusion by the end of the day on which the incident occurred.

Parents will be provided written documentation of the incident within 24 hours that provides:

- A description of the physical restraint and/or seclusion;
- The date of the physical restraint or seclusion;
- The time the physical restraint or seclusion began and ended, and the location;
- The efforts used to de-escalate the situation and the alternatives to physical restraint or seclusion that were attempted;
- The names of personnel of the public education program who administered the physical restraint or seclusion.

If the physical restraint or seclusion was administered by a person without training, the district will provide that information along with the reason why a person without training administered the restraint or seclusion.

An administrator will be notified as soon as practicable whenever physical restraint and/or seclusion has been used.

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 physical 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 physical restraint or seclusion must be continued. Whenever physical restraint or seclusion extends beyond 30 minutes, personnel of the district will immediately attempt to verbally or electronically notify a parent.

A district Physical Restraint and/or Seclusion Incident Report must be completed and copies provided to those attending the debriefing meeting for review and comment.

A documented debriefing meeting must be held within two school days after the use of restraint and/or seclusion; staff members involved in the intervention must be included in the meeting. The debriefing team shall include an administrator.

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

Efforts to de-escalate the situation and alternatives to restraint or seclusion that were attempted;

1. Name of the student;
2. Name of staff member(s) administering the physical restraint or seclusion;
3. Date of the restraint or seclusion and the time the restraint or seclusion began and ended;
4. Location of the restraint or seclusion;
5. A description of the restraint or seclusion;
6. A description of the student's activity immediately preceding the behavior that prompted the use of restraint or seclusion;
7. A description of the behavior that prompted the use of restraint or seclusion;
8. Information documenting parent contact and notification; and
9. A summary of the debriefing meeting held.

Physical 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 personnel, including a behavioral specialist and a district representative who is familiar with the physical restraint training practices adopted by the district.
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 will be provided a copy of the district Use of Restraint and Seclusion policy at the time the plan is developed.

Use of restraint and/or seclusion in an emergency by school administrator, staff or volunteer to maintain order or prevent a student from harming his/herself, other students, or school staff.

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

SAMPLE FORMS

[Physical Restraint Incident Report \(option1\)](#)

[Physical Restraint Incident Report \(option 2\)](#)

[Physical Restraint Debriefing Report](#)

[Seclusion Incident Report \(option1\)](#)

[Seclusion Incident Report \(option2\)](#)

[Seclusion Incident Debriefing Report](#)

[Student Incident Log](#)

[Physical Restraint and/or Seclusion Incident Report \(Condensed Version\)](#)

[Physical Restraint and/or Seclusion Incident Report](#)

[Physical Restraint and/or Seclusion Debriefing Report](#)

[Continuous Monitoring Form](#)

[Student Monitoring Form](#)

[Parent Notification Letter](#)

[Administrator Approval Form](#)

PHYSICAL RESTRAINT INCIDENT REPORT (OPTION 1)

'Physical restraint' means the restriction of a student's movement by one or more persons holding the student or applying physical pressure upon the student [OAR 581-021-0550(3)(a&b)].

Physical restraints may also be used in the case of an emergency circumstance when trained personnel are not immediately available due to the unforeseeable nature of the emergency circumstance [OAR 581-021-0553(2)(B)(ii)].

A. Student Information				
Student Name:	SSID #:	Date of Birth:	<input type="checkbox"/> IEP <input type="checkbox"/> 504 Plan <input type="checkbox"/> BIP	Grade:

B. School Information		
School:	Address:	District:

C. Incident Description		
Date Incident Occurred:	Time restraint began: <input type="checkbox"/> A.M. <input type="checkbox"/> P.M.	Time restraint ended: <input type="checkbox"/> A.M. <input type="checkbox"/> P.M.
Location of incident: <input type="checkbox"/> Classroom <input type="checkbox"/> Hall <input type="checkbox"/> Cafeteria <input type="checkbox"/> Playground <input type="checkbox"/> Other: <hr/>	Behavior(s) that lead to restraint:	

<p>Behavior(s) directed at:</p> <p><input type="checkbox"/> Staff</p> <p><input type="checkbox"/> Peers</p> <p><input type="checkbox"/> Self</p> <p><input type="checkbox"/> Other:</p> <p>_____</p>	<p>Description of activity in which the restrained student or other students were engaged in immediately preceding use of physical restraint:</p>
<p>Thorough description of efforts made to de-escalate and alternatives to physical restraint that were attempted:</p>	
<p>Restraint methodology used:</p>	<p>Physical restraint hold(s) used:</p>
<p>Why was the use of physical restraint necessary?</p>	<p>How restraint ended (check all that apply):</p> <p><input type="checkbox"/> Determination by staff member that student was no long a risk to himself or others</p> <p><input type="checkbox"/> Intervention by administrator(s) to facilitate de-escalation</p> <p><input type="checkbox"/> Law enforcement personnel arrived</p> <p><input type="checkbox"/> Staff sought medical assistance</p> <p><input type="checkbox"/> Other (describe):</p>
<p>Student's behavior during restraint:</p>	<p>Student's behavior after restraint:</p>

Staff member(s) responsible for continuous monitoring of student's status during the physical restraint:	Description of any injury to student and/or staff and any medical or first aid care provided <i>(as per district policy, if injury occurred, complete 'injury/accident report' in addition to this form.)</i> :

D. Staff administering restraint				
Name	Position	Certified to administer restraints	Name of approved restraint methodology	*Received prior restraint training
		<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No

		<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No
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\*If the staff member involved with the restraint is not trained in an approved restraint methodology, explain why not below:

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E. Observers	
Staff members/other adult witnesses <i>(include name and position):</i>	Student(s):

F. Parent Notification <sup>1</sup>		
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<sup>1</sup> Verbal notification of parents or guardians following the use of physical restraint is required by the end of the day the incident occurred; written notification is required within 24 hours [OAR 581-021-0556(2)(a&b)].

Name of parent(s) contacted:  Phone #:  Date and time of contact:  <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	Documented attempt to contact parent if unable to contact verbally ( <i>describe</i> ):	Contacted by the following staff member ( <i>include name and position</i> ):
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This report has been prepared by

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(Name) (Position)

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(Address) (Phone #)

G. Continuous <i>Restraint</i> or Seclusion need after 30 minutes	Administrator Signature and Justification	Parent Contacted immediately
Time:  Time:  Time:  Time:		Time/date:  Staff Member who Contacted:  Attempted to Contact, time/date:  Electronic, Telephone, Direct (Circle one) (*Continue to attempt to contact even if voicemail message has been left)

**PHYSICAL RESTRAINT INCIDENT REPORT (Option 2)**

'Physical restraint' means the restriction of a student's movement by one or more persons holding the student or applying physical pressure upon the student [OAR 581-021-0550(3)(a)&(b)].

Physical restraints may also be used in the case of an emergency circumstance when trained personnel are not immediately available due to the unforeseeable nature of the emergency circumstance [OAR 581-021-0553(2)(B)(ii)].

Student Name:	SSID #:	Date of Birth:
<input type="checkbox"/> IEP <input type="checkbox"/> 504 Plan <input type="checkbox"/> BIP	Grade:	School:

Incident Description:		
Date Incident Occurred:	Time restraint began: <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	Time restraint ended: <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.
Location of incident: <input type="checkbox"/> Classroom <input type="checkbox"/> Hall <input type="checkbox"/> Cafeteria <input type="checkbox"/> Playground <input type="checkbox"/> Other: _____	Behavior(s) that lead to restraint:	
Behavior(s) directed at: <input type="checkbox"/> Staff <input type="checkbox"/> Peers <input type="checkbox"/> Self <input type="checkbox"/> Other: _____	Description of activity in which the restrained student or other students were engaged in immediately preceding use of physical restraint:	
Thorough description of efforts made to de-escalate and alternatives to physical restraint that were attempted:		

<p>Restraint methodology used:</p>	<p>Physical restraint hold(s) used:</p>
<p>Student's behavior during restraint:</p>	<p>Student's behavior after restraint:</p>
<p>Why was the use of physical restraint necessary?</p>	<p>How restraint ended (check all that apply):</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Determination by staff member that student was no long a risk to himself or others</li> <li><input type="checkbox"/> Intervention by administrator(s) to facilitate de-escalation</li> <li><input type="checkbox"/> Law enforcement personnel arrived</li> <li><input type="checkbox"/> Staff sought medical assistance</li> <li><input type="checkbox"/> Other (describe):</li> </ul>
<p>Staff member(s) responsible for continuous monitoring of student's status during the physical restraint:</p>	<p>Description of any injury to student and/or staff and any medical or first aid care provided <i>(as per district policy, if injury occurred, complete 'injury/accident report' in addition to this form.):</i></p>

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Staff administering restraint				
Name	Position	Certified to administer restraints	Name of approved restraint methodology	Received prior restraint training
		<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No

Observers	
Staff members/other adult witnesses <i>(include name and position):</i>	Student(s):

Parent Notification <sup>2</sup>		
Name of parent(s) contacted:	Documented attempt to contact parent if unable to contact verbally ( <i>describe</i> ):	Contacted by the following staff member ( <i>include name and</i>

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<sup>2</sup> Verbal notification of parents or guardians following the use of physical restraint is required by the end of the school day the incident occurred; written notification required within 24 hours [OAR 581-021-0556(2)(a&b)].

Phone #:  Date and time of contact:  <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.		<i>position):</i>
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This report has been prepared by:

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(Name)	(Position)	(Date)
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**PHYSICAL RESTRAINT DEBRIEFING REPORT**

Within two (2) school days of use of physical restraint, a documented debriefing meeting by appropriate staff, including staff involved in the restraint must occur [OAR 581-021-0556(4)(a)]. The purpose of the debriefing is to review the incident and the specifics surrounding it, preferably from a function-based perspective, and take any necessary actions to reduce the chances that such an incident will reoccur. Those attending the debriefing meeting shall have the opportunity to review the Restraint Report documenting the incident.

A. Student Information				
Student Name:	SSID #:	Date of Birth:	<input type="checkbox"/> IEP <input type="checkbox"/> 504	Grade:

			Plan <input type="checkbox"/> BIP	
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B. School Information		
School:	Address:	District:
Date of Debriefing:	Time of Debriefing Meeting:	Location:

C. Debriefing Notes

D. Further Action To Be Taken:

E. Signatures of those attending the debriefing meeting	Position
	Teacher

	Principal or administrator
	Case Manager

This report has been prepared by:

\_\_\_\_\_

(Name) (Position)

Address: \_\_\_\_\_ Phone #: \_\_\_\_\_

SECLUSION INCIDENT REPORT (option 1)

'Seclusion' means the involuntary confinement of a student alone in a room from which the student is physically prevented from leaving [OAR 581-021-0550(6)].

A. Student Information				
Student Name:	SSID #:	Date of Birth:	<input type="checkbox"/> IEP <input type="checkbox"/> 504 Plan <input type="checkbox"/> BIP	Grade:

B. School Information		
School:	Address:	District:

C. Incident Description		
Date Incident Occurred:	Time seclusion began:	Time seclusion ended:
	<input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	<input type="checkbox"/> a.m. <input type="checkbox"/> p.m.
Location of incident: <input type="checkbox"/> Classroom <input type="checkbox"/> Hall <input type="checkbox"/> Cafeteria <input type="checkbox"/> Playground <input type="checkbox"/> Other: <hr/>	Behavior(s) that lead to seclusion:	

<p>Behavior(s) directed at:</p> <p><input type="checkbox"/> Staff</p> <p><input type="checkbox"/> Peers</p> <p><input type="checkbox"/> Other: _____</p>	<p>Description of activity in which the student or other students were engaged in immediately preceding use of seclusion:</p>
<p>Thorough description of efforts made to de-escalate and alternatives to seclusion that were attempted:</p>	
<p>Why was the use of seclusion necessary?</p>	<p>How seclusion ended (check all that apply):</p> <p><input type="checkbox"/> Determination by staff member that student no longer required seclusion</p> <p><input type="checkbox"/> Intervention by administrator(s) to facilitate de-escalation</p> <p><input type="checkbox"/> Other (describe):</p>
<p>Student's behavior during seclusion:</p>	<p>Student's behavior after seclusion:</p>
<p>Staff member(s) responsible for continuous monitoring of student's status during seclusion:</p>	<p>Location of seclusion room:</p> <p>Seclusion room meets the following criteria:</p> <p><input type="checkbox"/> Allows staff full view of the student in all areas of the room</p> <p><input type="checkbox"/> Free of potentially hazardous conditions such as unprotected light fixtures and electrical outlets</p>

D. Observers	
Staff members/other adult witnesses <i>(include name and position):</i>	Student(s):

E. Parent Notification <sup>3</sup>		
Name of parent(s) contacted:  Phone #:  Date and time of contact:  <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	Documented attempts to contact parent if unable to contact <i>(describe)</i> :	Contacted by the following staff member <i>(include name and position)</i> :

This report has been prepared by:

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(Name)	(Position)
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(Address)	(Phone#)
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<sup>3</sup> Verbal or written notification of parents or guardians following the use of seclusion is required by the end of the day the incident occurred. *OAR 581-021-0556, (2)(a)&(b)*

F. Continuous Restraint or <i>Seclusion</i> needed after 30 minutes	Administrator Signature and Justification	Parent Contacted immediately
<p>Time:</p> <p>Time:</p> <p>Time:</p> <p>Time:</p>		<p>Time/date:</p> <p>Staff Member who Contacted:</p> <p>Attempted to Contact, time/date:</p> <p>Electronic, Telephone, Direct (Circle one)</p> <p>(*Continue to attempt to contact even if voicemail message left)</p>

SECLUSION INCIDENT REPORT (option 2)

'Seclusion' means the involuntary confinement of a student alone in a room from which the student is physically prevented from leaving [OAR 581-021-0550(6)].

Student Name:	SSID #:	Date of Birth:
<input type="checkbox"/> IEP <input type="checkbox"/> 504 Plan <input type="checkbox"/> BIP	Grade:	School:

Incident Description		
Date Incident Occurred:	Time seclusion began: <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	Time seclusion ended: <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.
Location of incident: <input type="checkbox"/> Classroom <input type="checkbox"/> Hall <input type="checkbox"/> Cafeteria <input type="checkbox"/> Playground <input type="checkbox"/> Other: <hr/>	Behavior(s) that lead to seclusion:	
Behavior(s) directed at: <input type="checkbox"/> Staff <input type="checkbox"/> Peers <input type="checkbox"/> Other: <hr/>	Description of activity in which the student or other students were engaged in immediately preceding use of seclusion:	
Thorough description of efforts made to de-escalate and alternatives to seclusion that were attempted:		

<p>Student's behavior during seclusion:</p>	<p>Student's behavior after seclusion:</p>
<p>Location of seclusion room:</p> <p>Seclusion room meets the following criteria:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Allows staff full view of the student in all areas of the room</li> <li><input type="checkbox"/> Free of potentially hazardous conditions such as unprotected light fixtures and electrical outlets</li> </ul>	<p>How seclusion ended (check all that apply):</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Determination by staff member that student no longer required seclusion</li> <li><input type="checkbox"/> Intervention by administrator(s) to facilitate de-escalation</li> <li><input type="checkbox"/> Other (describe):</li> </ul>
<p>Staff member(s) responsible for continuous monitoring of student's status during seclusion:</p>	

Observers	
<p>Staff members/other adult witnesses <i>(include name and position):</i></p>	<p>Student(s):</p>

Parent Notification <sup>4</sup>		
Name of parent(s) contacted:	Documented attempts to contact parent if unable to contact ( <i>describe</i> ):	Contacted by the following staff member ( <i>include name and position</i> ):
Phone #:		
Date and time of contact: <input type="checkbox"/> A.M. <input type="checkbox"/> P.M.		

This incident report has been prepared by:

(Name)	(Position)	(Date)
Debriefing Information		
Date of Debriefing:	Time of Debriefing Meeting:	Location:
Debriefing Notes:		
Further Action(s) to be taken:		

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<sup>4</sup> Verbal notification of parents or guardians following the use of seclusion is required by the end of the day the incident occurred; written notification is required within 24 hours [OAR 581-021-0556(4)(a)&(b)].

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Signatures of those attending the debriefing meeting	Position
	Teacher
	Principal or administrator
	Case Manager

### SECLUSION DEBRIEFING REPORT

Within two (2) school days of the use of seclusion, a documented debriefing by appropriate staff must occur, including staff involved in the seclusion [OAR 581-021-0556(4)(a)]. The purpose of the debriefing is to review the incident and the specifics surrounding it, preferably from a function-based perspective, and take any necessary actions to reduce the chances that such an incident will reoccur. Those attending the debriefing meeting shall have the opportunity to review the Seclusion Report documenting the incident.

A. Student Information				
Student Name:	SSID #:	Date of Birth:	<input type="checkbox"/> IEP <input type="checkbox"/> 504 Plan <input type="checkbox"/> BIP	Grade:

B. School Information		
School:	Address:	District:
Date of Debriefing:	Time of Debriefing Meeting:	Location:

C. Debriefing Notes

D. Follow-up Actions

Signatures of those attending the debriefing meeting	Position
	Teacher
	Principal or administrator
	Case Manager

This report has been prepared by

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(Name) (Position)

---

(Address) (Phone #)

SECLUSION INCIDENT DEBRIEFING REPORT (Condensed Version)

Within two (2) school days of the use of seclusion, a documented debriefing by appropriate staff must occur, including staff involved in the seclusion [OAR 581-021-0556(4)(a)] The purpose of the debriefing is to review the incident and the specifics surrounding it, preferably from a function-based perspective, and take any necessary actions to reduce the chances that such an incident will reoccur. Those attending the debriefing meeting shall have the opportunity to review the Restraint Report documenting the incident.

Debriefing Information		
Date of Debriefing:	Time of Debriefing Meeting:	Location:
Debriefing Notes:		
Further Action(s) to be taken:		

Signatures of those attending the debriefing meeting	Position
	Teacher
	Principal or administrator
	Case Manager

This report has been prepared by:

---

(Name) (Position)

## PHYSICAL RESTRAINT AND/OR SECLUSION INCIDENT REPORT

Physical restraint means the restriction of a student's movement by one or more persons holding the student or applying physical pressure upon the student and does not include touching or holding a student without the use of force for the purpose of directing the student or assisting the student in completing a task or activity [OAR 581-021-0550(3)].

Physical restraint or seclusion may be used by a trained staff on a student in a public education program only if: The student's behavior imposes a reasonable threat of imminent, serious bodily injury to the student or others; and less restrictive interventions would not be effective. An untrained teacher, administrator, school employee or school volunteer may use reasonable force upon a student, when a student's behavior imposes a reasonable threat of imminent serious bodily injury to the student or others and trained personnel are not immediately available due to the unforeseen nature of an emergency circumstance. The use of force must be consistent with all provisions in OAR 581-021-0553 and OAR 581-021-0556(9).

Seclusion means the involuntary confinement of a student alone in a room from which the student is prevented from leaving. Seclusion does not include "time out" which means removing a student for a short time to provide the student with an opportunity to regain self-control, in a setting from which the student is not physically prevented from leaving OAR 581-021-0550 (c).

Parents must receive verbal or electronic notification of the incident by the end of the school day when the incident occurred OAR 581-021-0556 (2)(a).

Copies of this form must be provided to the Parent(s)/ Guardian(s) within 24 hours of the incident.

Student Name:		Incident Type:	
Date of Birth		Seclusion Type:	
SSID#:			
Date of Incident:			
School Name		Number of incidents this school year:	
IEP 504 Plan Behavior Intervention Plan (BIP)		Including the current incident in this report. Every (5) five incidents, an IEP meeting including the parent must be held for the purpose of reviewing and revising the student's behavior plan, and ensuring the provision of any necessary behavioral supports.	
Approved Training Program Used for Physical Restraint:			
Time Restraint Started	Time Restraint Ended	Total Time of Restraint	
Location of restraint: Classroom    Hall    Cafeteria    Playground    Other: (describe)			
Time Seclusion Started	Time Seclusion Ended	Total Time of Seclusion	
Location of Seclusion: Allows staff full view of the student in all areas of the room Free of potentially hazardous conditions such as unprotected light fixtures and electrical outlets.			

Staff Involved In Incident:					
Name	Position	Administered restraint	Certified to administer restraints	Observed incident	Responsible for continuous monitoring
		Yes No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/>	<input type="checkbox"/>
		Yes No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/>	<input type="checkbox"/>
		Yes No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/>	<input type="checkbox"/>
		Yes No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/>	<input type="checkbox"/>
		Yes No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/>	<input type="checkbox"/>
Description of the student's activity that prompted the use of physical restraint or seclusion:					
Description of efforts used to de-escalate the situation and the alternatives to physical restraint and/or seclusion that were attempted:					

Description of behavior(s) during physical restraint and/ or seclusion (taken from continuous monitoring form):

How restraint and/or seclusion ended:

Determination by staff member that student was no longer a risk to themselves or others

Intervention by administrator(s) to facilitate de-escalation

Law enforcement personnel arrived      Staff sought medical assistance

Other:

Description of any injury to student and/or staff and any medical or first aid care provided (as per district policy, if injury occurred complete separate forms as needed in addition to this form):

If serious bodily injury or death of a student occurs, written notification of must be sent within (24) twenty-four hours to Department of Human Services, and to the superintendent, and if applicable, to the union representative for the affected party. A record of injuries or death must be maintained by the district. Contact your building administrator to report this information.

Parent/ Guardian Notification (Verbal, electronic, or written notification of parents or guardians following the use of physical restraint and/ or seclusion is required by the end of the day the incident occurred [*OAR 581-021-0556*]).

Name of Parent or Guardian Contacted:

Contact Method: Phone In Person Written Notice Other: \_\_\_\_\_

Date of Contact:

Time of Contact:

Contacted By:

Documented attempt(s) to contact parent or guardian if unable to contact verbally:

Parent invited to debriefing meeting:

(Parental attendance is not required, but they must be invited. *Written notes must be taken of the debriefing meeting, and a copy of the written notes must be provided to a parent or guardian of the student, per OAR 581-021-0556(4)(a).*

PHYSICAL RESTRAINT AND/OR SECLUSION DEBRIEFING REPORT

Within two school days of the use of physical restraint, a documented debriefing by appropriate staff, including staff involved in the restraint, must occur in accordance with *OAR 581-021-0556(2)*. The purpose of the debriefing is to review the incident and take any necessary actions to reduce the chances that such an incident will reoccur. Those attending the debriefing meeting shall have the opportunity to review the physical restraint/seclusion report documenting the incident. Parents must be invited to debriefing meetings and receive a copy of the debriefing report.

Student Name:		SSID#:	IEP 504 BIP
Date of Birth:	School Name:		Date of Debriefing:
Time & Location of Debriefing Meeting:			
Date of Incident:		Type of Incident:	
Debriefing Meeting Minutes:			
Team members present (all staff involved in incident must be present at debriefing meeting).			



State law requires continuous monitoring by personnel of the public education program for the duration of the physical restraint or seclusion.	R: Physical Restraint S: Seclusion	under the red time amounts listed in the left column. Attach completed form to Incident Report.	
Student Name:	SSID#:		Date

Time	Incident Type	Continuous Monitoring Details (What is the student doing?)	Staff Initial
Start			
5m			
10m			
15m		Alert Administrator or Designee	
20m			
25m			
30m		Adequate access to bathroom and water	Administrator or Designee Signature required to Continue

		Parent Notification: Method?	By whom?	Parent Notice (call or email)  Complete Administrative Approval for Continued Use of Physical Restraint Seclusion form.
35m				
40m				
45m				Administrator or Designee Signature required to Continue  Parent Notice (call or email)  Complete Administrative Approval for Continued Use of Physical Restraint Seclusion form.
50m				
55m				
60m		Adequate access to bathroom and water		Administrator or Designee Signature required to Continue  Parent Notice (call

			or email) Complete Administrative Approval for Continued Use of Physical Restraint Seclusion form.
65m			
70m			
75m			Administrator or Designee Signature required to Continue Parent Notice (call or email) Complete Administrative Approval for Continued Use of Physical Restraint Seclusion form.

### STUDENT MONITORING RECORD

Name: \_\_\_\_\_ School: \_\_\_\_\_  
Date: \_\_\_\_\_

Time:	Incident Type	Details of Student Behavior			Staff Initials	Comments:
Start: 05m	<input type="checkbox"/> Seclusion <input type="checkbox"/> Physical Restraint	<input type="checkbox"/> Sitting	<input type="checkbox"/> Yelling	<input type="checkbox"/> Quiet Voice		
		<input type="checkbox"/> Standing	<input type="checkbox"/> Swearing	<input type="checkbox"/> Calm Body		
		<input type="checkbox"/> Laying	<input type="checkbox"/> Hitting/ Kicking	<input type="checkbox"/> De-escalating		
10m	<input type="checkbox"/> Seclusion <input type="checkbox"/> Physical Restraint	<input type="checkbox"/> Sitting	<input type="checkbox"/> Yelling	<input type="checkbox"/> Quiet Voice		
		<input type="checkbox"/> Standing	<input type="checkbox"/> Swearing	<input type="checkbox"/> Calm Body		
		<input type="checkbox"/> Laying	<input type="checkbox"/> Hitting/ Kicking	<input type="checkbox"/> De-escalating		
15m	<input type="checkbox"/> Seclusion <input type="checkbox"/> Physical Restraint	<input type="checkbox"/> Sitting	<input type="checkbox"/> Yelling	<input type="checkbox"/> Quiet Voice		
		<input type="checkbox"/> Standing	<input type="checkbox"/> Swearing	<input type="checkbox"/> Calm Body		
		<input type="checkbox"/> Laying	<input type="checkbox"/> Hitting/ Kicking	<input type="checkbox"/> De-escalating		
20m	<input type="checkbox"/> Seclusion <input type="checkbox"/> Physical Restraint	<input type="checkbox"/> Sitting	<input type="checkbox"/> Yelling	<input type="checkbox"/> Quiet Voice		
		<input type="checkbox"/> Standing	<input type="checkbox"/> Swearing	<input type="checkbox"/> Calm Body		
		<input type="checkbox"/> Laying	<input type="checkbox"/> Hitting/ Kicking	<input type="checkbox"/> De-escalating		
25m	<input type="checkbox"/> Seclusion <input type="checkbox"/> Physical Restraint	<input type="checkbox"/> Sitting	<input type="checkbox"/> Yelling	<input type="checkbox"/> Quiet Voice		
		<input type="checkbox"/> Standing	<input type="checkbox"/> Swearing	<input type="checkbox"/> Calm Body		
		<input type="checkbox"/> Laying	<input type="checkbox"/> Hitting/ Kicking	<input type="checkbox"/> De-escalating		
30m	<input type="checkbox"/> Seclusion <input type="checkbox"/> Physical Restraint	<input type="checkbox"/> Sitting	<input type="checkbox"/> Yelling	<input type="checkbox"/> Quiet Voice		
		<input type="checkbox"/> Standing	<input type="checkbox"/> Swearing	<input type="checkbox"/> Calm Body		
		<input type="checkbox"/> Laying	<input type="checkbox"/> Hitting/ Kicking	<input type="checkbox"/> De-escalating		
Bathroom?		<input type="checkbox"/> Accepted			<input type="checkbox"/> Rejected	

Water?		<input type="checkbox"/> Accepted			<input type="checkbox"/> Rejected	
Parent contact made?		<input type="checkbox"/> Y <input type="checkbox"/> N				
Administration Approval:						
35m	<input type="checkbox"/> Seclusion	<input type="checkbox"/> Sitting	<input type="checkbox"/> Yelling	<input type="checkbox"/> Quiet Voice		
	<input type="checkbox"/> Physical Restraint	<input type="checkbox"/> Standing	<input type="checkbox"/> Swearing	<input type="checkbox"/> Calm Body		
		<input type="checkbox"/> Laying	<input type="checkbox"/> Hitting/ Kicking	<input type="checkbox"/> De-escalating		
40m	<input type="checkbox"/> Seclusion	<input type="checkbox"/> Sitting	<input type="checkbox"/> Yelling	<input type="checkbox"/> Quiet Voice		
	<input type="checkbox"/> Physical Restraint	<input type="checkbox"/> Standing	<input type="checkbox"/> Swearing	<input type="checkbox"/> Calm Body		
		<input type="checkbox"/> Laying	<input type="checkbox"/> Hitting/ Kicking	<input type="checkbox"/> De-escalating		
45m	<input type="checkbox"/> Seclusion	<input type="checkbox"/> Sitting	<input type="checkbox"/> Yelling	<input type="checkbox"/> Quiet Voice		
	<input type="checkbox"/> Physical Restraint	<input type="checkbox"/> Standing	<input type="checkbox"/> Swearing	<input type="checkbox"/> Calm Body		
		<input type="checkbox"/> Laying	<input type="checkbox"/> Hitting/ Kicking	<input type="checkbox"/> De-escalating		
50m	<input type="checkbox"/> Seclusion	<input type="checkbox"/> Sitting	<input type="checkbox"/> Yelling	<input type="checkbox"/> Quiet Voice		
	<input type="checkbox"/> Physical Restraint	<input type="checkbox"/> Standing	<input type="checkbox"/> Swearing	<input type="checkbox"/> Calm Body		
		<input type="checkbox"/> Laying	<input type="checkbox"/> Hitting/ Kicking	<input type="checkbox"/> De-escalating		
55m	<input type="checkbox"/> Seclusion	<input type="checkbox"/> Sitting	<input type="checkbox"/> Yelling	<input type="checkbox"/> Quiet Voice		
	<input type="checkbox"/> Physical Restraint	<input type="checkbox"/> Standing	<input type="checkbox"/> Swearing	<input type="checkbox"/> Calm Body		
		<input type="checkbox"/> Laying	<input type="checkbox"/> Hitting/ Kicking	<input type="checkbox"/> De-escalating		
60m	<input type="checkbox"/> Seclusion	<input type="checkbox"/> Sitting	<input type="checkbox"/> Yelling	<input type="checkbox"/> Quiet Voice		
	<input type="checkbox"/> Physical Restraint	<input type="checkbox"/> Standing	<input type="checkbox"/> Swearing	<input type="checkbox"/> Calm Body		
		<input type="checkbox"/> Laying	<input type="checkbox"/> Hitting/ Kicking	<input type="checkbox"/> De-escalating		
Bathroom?		<input type="checkbox"/> Accepted			<input type="checkbox"/> Rejected	
Water?		<input type="checkbox"/> Accepted			<input type="checkbox"/> Rejected	

Parent contact made?	<input type="checkbox"/> Y <input type="checkbox"/> N
Administration Approval:	

PARENT NOTIFICATION LETTER

:

On \_\_\_\_\_, \_\_\_\_\_ was involved in a \_\_\_\_\_. Personnel involved in the incident, who administered the \_\_\_\_\_ had not received training from a program approved by the Department of Education. In accordance with OAR 581-021-0556, this letter is to notify you that this occurred.

The reason an untrained staff member was involved in the incident was \_\_\_\_\_. The debriefing meeting for this incident will be held on \_\_\_\_\_ at \_\_\_\_\_ AM. If you have any questions about this incident, please contact me via phone at \_\_\_\_\_.

Sincerely,

ADMINISTRATIVE APPROVAL FOR CONTINUED USE OF PHYSICAL RESTRAINT/SECLUSION

Every fifteen (15) minutes after the first thirty (30) minutes of the physical restraint or seclusion, 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 physical restraint or seclusion must be continued [OARS 581-021-0553 (3)(c)].

Administrator Name (Please Print): \_\_\_\_\_ Time: \_\_\_\_\_

Reason for continued use of  Physical restraint  Seclusion :

Signature: \_\_\_\_\_ Expiration Time of Approval (15 minutes):  
\_\_\_\_\_

Administrator Name (Please Print): \_\_\_\_\_ Time: \_\_\_\_\_

Reason for continued use of  Physical restraint  Seclusion:

Signature: \_\_\_\_\_

Expiration Time of Approval (15 minutes): \_\_\_\_\_

Every fifteen (15) minutes after the first thirty (30) minutes of the physical restraint or seclusion, 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 physical restraint or seclusion must be continued [OAR 581-021-0553(3)(c)].

Administrator Name (Please Print): \_\_\_\_\_

Time: \_\_\_\_\_

Reason for continued use of  Physical restraint  Seclusion:

Signature: \_\_\_\_\_

Expiration Time of Approval (15 minutes): \_\_\_\_\_

Administrator Name (Please Print): \_\_\_\_\_

Time: \_\_\_\_\_

Reason for continued use of  Physical restraint  Seclusion:

Signature: \_\_\_\_\_

Expiration Time of Approval (15 minutes) \_\_\_\_\_

## QUICK REFERENCE GUIDE TO RESTRAINT AND SECLUSION

**Effective July 1, 2012***ONLY enter into restraint in the case of imminent danger to persons***DURING Restraint or Seclusion:**

1. Staff will constantly monitor student in restraint or seclusion.
2. Staff will notify administrator as soon as possible.
3. For restraint or seclusion exceeding 30 minutes:
  - a. Administrator will sign consent every 15 minutes.
    - i. *Use district consent form.*
  - b. District personnel will immediately notify parent (verbally or electronically).
  - c. Adequate access to bathroom and water will be provided to student every 30 minutes.

**AFTER Restraint or Seclusion:**

1. District personnel will notify parents by end of day (verbally or electronically).
2. Written notification will be provided to parents within 24 hours.
  - a. *Use district notification form.*
3. Incident report will be completed by those involved in restraint or seclusion.
  - a. *Use district incident reporting form.*
4. Debriefing meeting will be held within 2 days of incident with all staff involved and an administrator.
  - a. *Complete district debriefing form thoroughly.*

The Oregon Department of Education recognizes and appreciates the Technical Assistance Committee for dedicating their time, efforts, and hard work in the development of the *Guidelines* and *Technical Assistance* provided in this manual for best practices and the proper use of Physical Restraint & Seclusion in the State of Oregon Public Education Programs.

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