

**OREGON DEPARTMENT OF EDUCATION
EARLY INTERVENTION &
EARLY CHILDHOOD SPECIAL EDUCATION**

Program Operation Guideline

AREA: Discipline
DATE: May 23, 2014
CITATIONS: 34 CFR 300.530 through 536; OAR 581-015-2400 through 2445; OAR 581-015-0060 through 0062; *and OAR 581-021-0550 through 0570.*
GUIDELINE: Physical Restraint & Seclusion
REFER TO: EI/ECSE Policy & Procedures for Restraint & Seclusion

Physical restraint means the restriction of a child's movement by one or more persons 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. Physical restraint shall not be used as a form of discipline, punishment or convenience of personnel of the public education program. It must only be used for as long as the child's behavior poses a reasonable threat of imminent, serious bodily injury to the child or others. Physical restraint may be used on a child if the child's behavior imposes a reasonable threat of imminent, serious bodily injury to the child or others, and less restrictive interventions have not been effective.

Seclusion is not an appropriate course of action 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, the child could be removed or separated from the 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 will always be accompanied by an adult.

In providing care and educational instruction to young children there is always some physical contact for guiding, directing, prompting, or preventing harm. It is normal and natural for an adult to guide or direct a child by gently laying a hand on the child's shoulder, back or arm, or clasping the child's hand. It is also normal and natural to briefly hold a child in order to calm or comfort the child. It may be necessary for an adult to hold a child on their lap to maintain the child's attention or to provide structure or security for some activities. An adult may use his/her body to block a child from exiting an area of safety or entering a dangerous area. These normal, typical activities that adults use to guide, direct, and protect children are not considered physical restraint.

Physical restraint does not include placing children in tray chairs, high chairs, or other adapted equipment for physical support or instructional purposes. Mechanical restraint is prohibited by law, although mechanical restraint does not include placing a child in a protective or stabilizing device ordered by a licensed physician. Discretion must be used to ensure that placement in such chairs or adapted equipment meets the instructional or physical support needs of the child, and is not used to restrict the child's mobility. The use of a safety harness during bus transportation is not considered restraint when it is used as an appropriate safety precaution when the child is in a moving vehicle.

Cautions for Using Restraint

EI/ECSE programs must select and be trained in the use of one of the ODE approved restraint programs (<http://www.ode.state.or.us/search/results/?id=107>). Physical restraint procedures are used only when a child is in imminent danger of hurting him/herself, other children, school staff, and only when all less restrictive interventions are not effective. Restraint is applied when the child has started or is about to start an activity that will potentially hurt him/her or others. Staff must continuously monitor a child's status during physical restraint.

At no time and under no circumstances is it appropriate for any EI/ECSE staff member to use any life threatening physical restraint on a child.

Minimum Training Required for Physical Restraint

For children, for whom it is suspected or determined that physical restraint may be necessary, the use of physical restraint shall be included in a behavioral plan (BIP) that is referenced in the child's IFSP. The behavior plan is to be signed by the parent(s) to indicate their agreement with the plan.

EI/ECSE programs must have appropriate behavior management and behavior intervention training programs. EI/ECSE public education programs may only use training programs on physical restraint that are approved by the Department of Education. Your agency must arrange for and provide the training to staff having direct contact with children. Selected staff must receive training in appropriate restraint techniques, including determining when restraint is appropriate and how to apply de-escalation techniques.

Reporting Requirements

When physical restraint is necessary as an emergency procedure to prevent harm to the child or others, an incident report must be made. Incident reports are made to the staff member's supervisor who is responsible to monitor the appropriateness of actions taken and provide direction as necessary. Parents must be notified of the restraint either verbally or electronically by the end of the day of the incident. They must receive written documentation of the incident within 24 hours of the incident that provides a description of the physical restraint, as specified in OAR 581-021-0556(2)(a&b)(A-H). 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 needs to be provided. Also, see EI/ECSE Policy and Procedures for Restraint and Seclusion regarding documentation and notification requirements.

In summary, physical restraint shall be used with extreme caution and used only in emergency situations when needed to ensure the safety of the child and/or others, or in accordance with the child's IFSP and BIP, and Oregon statutes and administrative rules regarding restraint and seclusion (OARs 581-021-0550, -0553, -0556, -0559, -0563, -0566, -0568, -0569, and -0570).