

Guidance for Preventing Restraint and Seclusion in Oregon's Public Education Programs

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Purpose

The purpose of this manual is to provide technical assistance to Oregon public education programs in preventing the use of restraint and seclusion. Restraint and seclusion can have harmful effects on students, including physical injury, psychological trauma, and adverse effects on learning. By implementing evidence-based strategies to prevent restraint and seclusion, schools can better support the needs of all students while creating a positive learning environment.

The guidance contained in this publication seeks to provide information, guidance and best practices on the prevention and provisions of restraint and seclusion in Oregon public education programs. This guidance is designed to support schools, districts, and programs in meeting their responsibilities under both federal law and ORS 339.285 to 339.308 and OARs 581-021-0550 through 581-021-0570 and 581-022-2267.

This guidance is not legal advice, nor should it be relied on as legal advice. If you require legal advice regarding the issues discussed in this publication, please consult an attorney.

Introduction

The US Department of Education began an initiative in 2019 to address the use of restraint and seclusion to protect students with disabilities. The Office for Civil Rights, the Government Accountability Office, the US Dept of Education, and Congress are focused on the reduction of restraint and seclusion because use has resulted in serious physical injury, psychological trauma, and death to children in public and private schools.

Federal law does not prohibit restraint and seclusion of students, but the application of restraint and seclusion has resulted in students with disabilities being denied civil rights protections under Section 504 and Title II of the Americans with Disabilities Act. In [recently released federal guidance](#) (July 2022), The US Department of Education stated that it “is not aware of evidence-based support for the view that restraint or seclusion is an effective strategy in modifying a child’s behaviors that are related to their disability. They additionally state that “the Department’s longstanding position is that every effort should be made to prevent the need for the use of restraint or seclusion and that behavioral interventions must be consistent with the child’s rights to be treated with dignity and to be free from abuse”. Further, they go on to state that the Department’s position is that restraint or seclusion should not be used except in situations where a child’s behavior poses imminent danger of serious physical harm to themselves or others.” (OSERS, 2022, p. 10).

The Oregon Department of Education (ODE) firmly believes that:

- Every student and school staff member/ volunteer has the right to a safe, respectful, constructive learning environment – especially students at risk for developing, or who have histories of, behaviors of concern in the school environment.

- The use of aversive methods to change behavior is unnecessary and not supported by research. The field of education is continually and intentionally moving away from punitive approaches to a focus on clearly teaching and reinforcing school expectations, through care, connection, and ongoing support to assure learning and growth in functional, academic and behavior domains is continual and progressing.
- Education is enhanced and strengthened through a network of professionals, parents, and community members. Quality learning experiences require deep interpersonal relationships and a learning environment where people feel safe, seen, and valued. Since school and learning happen in the context of community, these experiences become harder to create as learning environments get more reactive, punitive or restrictive.

IDEA’s Requirements When a Student’s Behavior Impedes Their Learning or That of Others

In the case of a student whose behavior, including its impact and consequences (e.g., violations of a school’s code of student conduct, classroom disruptions, incidents involving restraint or seclusion, and other exclusionary disciplinary measures), impedes their learning or that of others, the IEP team must consider – and, when necessary to provide Free Appropriate Public Education (FAPE), include in the IEP – the use of positive behavioral interventions and supports, and other strategies, to address that behavior. IEP teams may decide to include a variety of interventions and supports for student behavior, and may need to meet regularly to determine whether interventions and supports are having their intended effect.

School districts must ensure that IEPs are reviewed and revised at least annually and more frequently as appropriate in order to address, among other issues, any lack of expected progress toward meeting annual goals; the results of any reevaluation; information about the student provided to, or by, the parent; the student’s anticipated needs; or other matters such as the student’s behavior, including the impact on the student’s learning or that of others. IEP teams should review and revise IEPs, when necessary, to ensure that appropriate behavioral supports and services are in place to address behavior that impedes learning.

If the student’s IEP already includes behavioral supports, but the student is not making expected behavioral progress (e.g., repeated incidents of student misbehavior or classroom disruption), the IEP team may need to meet to review progress monitoring data to ensure fidelity of implementation and determine whether the student’s behavioral supports should be adjusted or changed. Further, school districts must take the steps necessary to ensure that the student’s IEP, including any positive behavioral interventions, supports, and other strategies, are implemented as intended by the IEP team.

IEP teams appropriately address student behavior in many ways, as determined necessary based on the unique needs of the student, including but not limited to:

- Documenting specific student behavioral strengths and needs in the Present Levels of Academic Achievement and Functional Performance statement (PLAAFP) statements, including information about antecedents, behaviors, and consequences that impact the student’s ability to access the general curriculum.
- Developing measurable annual goals based on the PLAAFP statements that specifically teach behavioral skills or strategies that, when mastered, will increase the student’s ability to engage in their education and access the general curriculum.
- Including appropriate special education (e.g., instruction in social skills) and related services (e.g., counseling) to teach behavioral skills.
- Including supplementary aids and services (e.g., implementation of BIP) and accommodations (e.g., frequent breaks) to support student success.
- Related services, a necessary part of the provision of FAPE, are defined to include parent counseling and training. [34 CFR 300.324](#). As with other related services, districts are responsible for providing parent counseling and training when the child’s IEP determines that it is necessary for the child to receive FAPE. 71 Fed. Reg. 46,573 (2006).
- Providing supports for school personnel that build their capacity to increase a specific student’s success.
- Completing a FBA and developing and implementing a BIP aligned to behavioral goals in the IEP.

The failure of the IEP team to consider and provide for needed behavioral supports through the IEP process may result in a student not receiving a meaningful educational benefit or FAPE (OSERS, 2016). In addition, an LEA’s failure to make behavioral supports available throughout a continuum of alternative placements, including in a regular class setting, could result in an inappropriately restrictive placement and constitute a denial of placement in the LRE.

Additionally, there are three specific situations where an FBA/BIP is explicitly required for students experiencing disability in Oregon: (1) when a student exhibits behavior that is determined to be a manifestation of their disability following a decision to change their placement because of a violation of a code of student conduct ([34 CFR § 300.530](#)); (2) when a student has placed themselves, other students, or staff at imminent risk of serious bodily injury as a result of the student’s behavior ([OAR 581-015- 2181\(2\)\(a\)](#)); and (3) following an appropriate incident of seclusion ([OAR 581-021-0553](#)). Outside of those conditions, an FBA/BIP is required when the IEP team determines it is necessary to enable the provision of FAPE for a student. IEP teams should be particularly deliberate in considering the need for a FBA/BIP whenever a student exhibits behavior that impedes their learning or that of others.

Best practice recommendations for conducting FBAs, developing and implementing BIPs can be found [HERE](#).

Understanding Restraint and Seclusion

This guidance aims to ensure accountability, safety, and proper procedures within Oregon’s education system relating to restraint and seclusion. Restraint and seclusion are emergency

hands on responses used to physically control a student when there is a serious risk of harm to the student or others.

- Restraint means the restriction of a student’s actions or movements by holding the student or using pressure or other means.
- Seclusion means the involuntary confinement of a student alone in a room from which the student is physically prevented from leaving.

These practices should be used only as a last resort, within the bounds of legal authority and for the shortest duration necessary to ensure safety.

Legal and Ethical Considerations

Federal regulations and Oregon state law govern the use of restraint and seclusion in schools. Schools must adhere to these guidelines, which emphasize the importance of prevention and de-escalation techniques, as well as reporting and monitoring requirements. In addition to legal compliance, ethical considerations demand that schools prioritize the least restrictive and most supportive interventions possible, with a focus on fostering positive relationships, communication, and cooperation between staff and students.

What’s New: 2023 Legislative Changes

The Oregon legislature passed several bills related to restraint and seclusion during this legislative session, namely Senate Bills (SB) 283, 577, 790, 901, and 1024.

- [SB 283](#) - Establishes the Safe School Culture Grant program to develop a network of instructors who are certified in nonviolent crisis intervention methods to ensure that, for every 50 students in a school district or an education service district (ESD), at least one staff person of the district or ESD is certified.
- [SB 577](#)- Modifies language in ORS 339.250: Duty to Comply. This modifies when the use of force upon a minor child or student is justifiable and not criminal, further banning corporal punishment in schools and by parents
- [SB 790](#)- Modifies definition of “abuse” for purposes of child abuse to include violations around the use of restraint and seclusion on students.
- [SB 901](#) - Confers authority to Director of Human Services to issue investigative subpoenas for production of specified records in child abuse investigations.
- [SB 1024](#)- Modifies provisions regarding retention of records of incidents involving the use of restraints or seclusion of children in care and students in public education programs.

A document with more specifics of the bills enacted this legislative session is located [here](#).

Use of Restraint and Seclusion in Oregon

Restraint and seclusion are safety responses utilized as a last resort when risk¹ is high and when less restrictive interventions would not be effective. Restraint and seclusion are not behavioral or therapeutic interventions. Restraint and seclusion may not be used for discipline, punishment, retaliation, or convenience of personnel, contractors or volunteers of the public education program. The use of any action designed for the primary purpose of inflicting pain upon a student in a public education program is prohibited.

School districts, education service districts (ESDs) and school boards are required to adopt written policies to implement restraint and seclusion procedures consistent with and as indicated in ORS 339.285 to 339.308 and OARs 581-021-0550 through 581-021-0570 and 581-022-2267, and shall inform teachers, administrators, school employees, and school volunteers of those policies.

Restraint may be used on a student in a public education program only if the student's behavior imposes a reasonable risk of imminent and substantial physical or bodily injury to the student or others and less restrictive interventions would not be effective. Under OAR 581-021-0550(9), "Substantial physical or bodily injury" is defined as any impairment of the physical condition of a person that requires some form of medical treatment.

Seclusion may be used on a student in a public education program only if the student's behavior imposes a reasonable risk of imminent and serious bodily injury to the student or others and less restrictive interventions would not be effective. Under OAR 581-021-0550(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.

Serious Bodily Injury Further Defined

It is important to understand that the threshold for the usage of seclusion as a response strategy has a high bar that must be met for the intervention to be considered. In the 2004 reauthorization of the Individuals with Disabilities Education Act, "serious bodily injury" is defined to mean a bodily injury that involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty. [615(k)(7)(D)]

¹ Restraint may be used on a student in a public education program only if the student's behavior imposes a reasonable risk of imminent and substantial physical or bodily injury to the student or others and less restrictive interventions would not be effective. Seclusion may be used on a student in a public education program only if the student's behavior imposes a reasonable risk of imminent and serious bodily injury to the student or others and less restrictive interventions would not be effective.

Seclusion may be used on a student in a public education program in Oregon only if the student's behavior imposes a reasonable risk of imminent and serious bodily injury to the student or others and less restrictive interventions would not be effective. Serious bodily injury is defined by Oregon law as any significant impairment of the physical condition of a person, as determined by qualified medical personnel, whether self-inflicted or inflicted by someone else. Note that, while both restraint and seclusion are to be used as a last resort, the threshold for use of seclusion (i.e., imminent and serious bodily injury) is higher than that for restraint (i.e., imminent and substantial physical or bodily injury).

Under Oregon Administrative Rule 581-015-2181: Functional Assessment, a school district must conduct a functional behavioral assessment² and develop, review or revise a behavior intervention plan³ within 45 school days of receiving parental consent to conduct the assessment for every student who:

- Has an individualized education program (IEP) or a 504 Plan; and
- Placed the student, other students or staff at imminent risk of serious bodily injury as a result of the student's behavior.

If a functional behavioral assessment has been previously completed, the school district must review and/or revise the existing functional behavior assessment. When a behavior intervention plan is developed, reviewed or revised, the school district must:

- Ensure that the behavior intervention plan is based on a functional behavioral assessment that was conducted by a qualified person⁴;
- Ensure that the behavior intervention plan appropriately addresses the student's needs;
- Allow service providers⁵ involved in the incident when the student, other students or staff were at imminent risk of serious bodily injury to provide meaningful input into the development, review or revision;
- Inform the service providers about any portions of the behavior intervention plan that are relevant to the service providers and about any training opportunities for the service providers; and
- Ensure that the behavior intervention plan was correctly implemented before making any revisions.

² "Functional behavioral assessment" means an individualized assessment of a student that results in a hypothesis about the function of a student's behavior and, as appropriate, recommendations for a behavior intervention plan.

³ Behavior intervention plan" means an individualized plan, including positive interventions, designed to assist a student to decrease inappropriate behavior and increase or teach an alternative appropriate behavior.

⁴ "Qualified person" means an individual with training and/or experience in conducting functional behavioral assessments.

⁵ "Service provider" includes school personnel who are or will be providing services related to the implementation of an individualized education program or a 504 Plan to the student; and do not hold a teaching license or an administrative license.

There are further specific rules under which restraint and seclusion may be used in public education programs. Rules include established time limits and parameters for incidents of restraint and seclusion, such as access to bathroom, water breaks, and the continuous monitoring of the situation by staff and administrators. Additionally, Oregon law also specifies the following:

- Parent(s)/guardian(s) of students who are restrained and/or secluded are to be notified of the incident by the end of the school day in which the incident occurred.
 - If any photos or audio or video records exist, following an incident involving the use of restraint or seclusion, the parent must receive immediate, written notification of the existence of a record.
- Parent(s)/guardian(s) of students who are restrained and/or secluded must receive written documentation of the incident within twenty-four hours of the incident. This documentation is required to provide a description of the restraint and/or seclusion, including:
 - The date of the restraint and/or seclusion
 - The times when the restraint and/or seclusion began and ended
 - The location of the restraint and/or seclusion
 - A description of the student's activity that prompted the use of restraint and/or seclusion
 - Efforts used to de-escalate the situation and the alternatives to restraint and/or seclusion that were attempted
 - The names of the personnel of the public education program who administered the restraint and/or seclusion
 - Description of the training status of personnel who administered the restraint and/or seclusion
 - If the personnel of the public education program who administered the restraint or seclusion had not received training from a program approved by the Oregon Department of Education (ODE), parents(s)/guardian(s) will receive written notification of the lack of training and the reason the restraint and/or seclusion was administered by a person without training
 - Timely notification of a debriefing meeting to be held within two school days after each incident of restraint and/or seclusion and of the parent's or guardian's right to attend
 - Programs must preserve, and may not destroy, any records related to an incident of restraint or seclusion, including any photos or audio or video recording. The records must be preserved in the original format and without any alteration.
 - Any photos or audio or video recording preserved shall be reviewed during the required debriefing meeting.
 - 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

If a student is involved in five incidents in a school year involving restraint and 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 intervention plan and ensuring the provision of any necessary behavioral supports. There is no need to wait for five incidents for a team meeting and teams are encouraged to convene to meet student needs and to prevent future incidents.

Restraint and seclusion training programs approved by ODE⁶ must meet standards established by the Department of Human Services (DHS). The training of school personnel in restraint and seclusion must meet certain criteria, including the provision of evidence-based skills training related to positive behavior support, conflict prevention, de-escalation and crisis response techniques.

Public education programs are required to select a training program from an approved list compiled by the Oregon Department of Education (ODE), and provide training to school staff working with students in public education programs.

OAR 581-021-0550 defines “public education programs” as:

- a. Are for students in early childhood education, elementary school or secondary school,
- b. Are under the jurisdiction of a school district, an ESD or another educational institution or program; and,
- c. Receive, or serve students who receive, support in any form from any program supported, directly or indirectly, with funds appropriated to the Oregon Department of Education.

Under division 22 (OAR 581-022-2267), each entity that has jurisdiction over a public education program is required to prepare and submit an annual report detailing the use of restraint and seclusion for the preceding school year to ODE.

Each entity that has jurisdiction over a public education program shall additionally make its annual report about restraint and seclusion available to:

- The public at the entity’s main office and the website of the entity;
- The school board or governing body overseeing the entity;
- If the entity is an ESD, the component school districts of the ESD; and
- If the entity is a public charter school, the sponsor of the public charter school.
- In addition, parents and guardians of students in a public education program shall be advised at least once each school year about how to access the report.

⁶ A list of ODE approved training programs is located on the ODE website- [LINK](#)

Use of Restraint

Restraint is defined as the restriction of a student's actions or movements by holding the student or using pressure or other means. Restraint does not include:

- Holding a student's hand or arm to escort the student safely and without the use of force from one area to another; or
- Assisting a student to complete a task if the student does not resist the physical contact.

Restraint also does not include providing reasonable intervention with the minimal exertion of force necessary if the intervention does not include a restraint prohibited under ORS 339.288 and the intervention is necessary to:

- Break up a physical fight;
- Interrupt a student's impulsive behavior that threatens the student's immediate safety, including running in front of a vehicle or climbing on unsafe structures or objects; or
- Effectively protect oneself or another from an assault, injury or sexual contact with the minimum physical contact necessary for protection.

In an emergency, a program administrator, teacher, program employee or volunteer may use restraint as necessary to prevent a student from harming themselves or others in accordance with OAR 581-021-0553. However, restraint must be used only for as long as the student's behavior imposes a reasonable risk of imminent and substantial physical or bodily injury to the student or others; and less restrictive interventions would not be effective. If restraint is used on a student, the restraint must be continuously monitored by personnel of the public education program for the duration of the incident.

Prohibited Restraints

The use of the following types of restraint on a student in a public education program are prohibited by Oregon law:

- **Chemical Restraint:** defined as a drug or medication that is used on a student to control behavior or restrict freedom of movement that is not prescribed by a licensed physician or other qualified health professional acting under the professional's scope of practice for standard treatment of the student's medical or psychiatric condition; and administered as prescribed by a licensed physician or other qualified health professional acting under the professional's scope of practice.
- **Mechanical Restraint:** defined as 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.
- **Prone Restraint:** a restraint in which a student is held face down on the floor.
- **Supine Restraint:** a restraint in which a student is held face up on the floor.

Additional Prohibited Restraints

The use of the following types of restraint on a student in a public education program are also prohibited by Oregon law:

- Any restraint that involves the intentional placement of the hands, feet, elbow, knee or any object on a student’s neck, throat, genitals or other intimate parts.
- Any restraint that causes pressure to be placed, or creates a risk of causing pressure to be placed, on a student’s stomach or back by a knee, foot or elbow bone.
- Any restraint that involves the intentional and non incidental use of a solid object, including a wall or the floor, to impede a student’s movement, unless the restraint is necessary to prevent an imminent life-threatening injury or to gain control of a weapon.
 - However, the use of a solid object, including a piece of furniture, a wall, or the floor, by public education program personnel performing a restraint is not prohibited if the object is used for the personnel’s own stability or support while performing the restraint and not as a mechanism to apply pressure directly to the student’s body.
- Any restraint that places, or creates a risk of placing, pressure on a student’s mouth, neck or throat, or that impedes, or creates a risk of impeding, a student’s breathing.
 - However, a restraint that places, or creates a risk of placing, pressure on a student’s mouth may be used if the restraint is necessary for the purpose of extracting a body part from a bite.

In addition to those prohibited restraints, the use of any action designed for the primary purpose of inflicting pain upon a student in a public education program is prohibited.

Only staff who are currently trained, in accordance with an approved training program, may implement restraint with a student, except in cases of emergency as described in OAR 581-021-0553.

Reasonable Physical Intervention That is Not Restraint

Oregon law permits the use of physical intervention with the least amount of force required under specific circumstances. This intervention should not involve any prohibited restraints outlined in ORS 339.288. The instances where such intervention is justified include intervention necessary to:

- Break up a physical fight;
- Interrupt a student’s impulsive behavior that threatens the student’s immediate safety, including running in front of a vehicle or climbing on unsafe structures or objects; or
- Effectively protect oneself or another from an assault, injury or sexual contact with the minimum physical contact necessary for protection.

It is crucial to emphasize that this reasonable physical intervention should not encompass any form of restraint, and there exists no predefined threshold that necessitates intervention. Adhering to the Reasonable Person Standard can be advantageous in conceptualizing such interventions. The “reasonable person” denotes a theoretical individual who approaches situations with prudent caution before taking sensible action. This standard serves as a

yardstick for evaluating whether an individual's actions align with common sense in the given circumstances, thus ensuring a judicious application of physical interventions.

If a restraint is utilized to break up a physical fight, interrupt a student's impulsive behavior (running in front of a vehicle, climbing on unsafe structures or objects) or protecting oneself or another from an assault, injury or sexual contact, the restraint would be documented as such, and all of the provisions of [581-021-0556](#): Program's Procedures Regarding Restraint and [581-022-2267](#): Annual Report on use of Restraint and Seclusion would apply, as well as any other applicable laws/statutes. Please note that the threshold for restraint must be met for staff to intervene using restraint. The student's behavior must impose a reasonable risk of imminent and substantial physical or bodily injury to the student or others, and less restrictive interventions would not be effective.

If reasonable physical intervention - in a manner that is not restraint- - is utilized to break up a physical fight, interrupt a student's impulsive behavior (such as running in front of a vehicle, climbing on unsafe structures or objects) or protecting oneself or another from an assault, injury or sexual contact – that reasonable physical intervention would not be a restraint, unless a restraint was applied, as stated in the above paragraph. Instead, these incidents (stepping in between two students in an attempt to break up a fight, using physical contact to keep a student from running into traffic) would fall under the district's student code of conduct policy. These incidents would then be investigated, communicated and documented in accordance with the school district policy, which might include: parent phone call, incident report, office discipline referral or other appropriate verbal and/or written documentation that is consistent with policy, procedure and practice.

Use of Restraint for More than 30 Minutes

If restraint is utilized for more than thirty minutes, additional provisions apply. The additional provisions for restraint exceeding thirty minutes are in place to prioritize the safety, well-being, human rights, effectiveness of intervention, and ethical considerations in the management of individuals in potentially challenging situations.

If restraint is utilized for more than thirty minutes,

- The student must be provided with adequate access to the bathroom and water every 30 minutes.
- Personnel of the public education program must immediately attempt to verbally or electronically notify a parent or guardian of the student.
- Every 15 minutes after the first 30 minutes of the restraint, an administrator for the public education program must provide written authorization for the continuation of the restraint, including providing documentation for the reason the restraint must be continued.

Use of Seclusion

Seclusion is defined as the involuntary confinement of a student alone in a room⁷ from which the student is physically prevented from leaving. Seclusion includes, but is not limited to, the involuntary confinement of a student alone in a room with a closed door, whether the door is locked or unlocked.

Seclusion does not include the removal of a student for a short period of time to provide the student with an opportunity to regain self-control if the student is in a setting from which the student is not physically prevented from leaving; or a student being left alone in a room with a closed door for a brief period of time if the student is left alone for a purpose that is unrelated to the student's behavior.

Seclusion may be used on a student in a public education program only if the student's behavior imposes a reasonable risk of imminent and serious bodily injury to the student or others and less restrictive interventions would not be effective.

Application of Seclusion

If seclusion is used on a student, the seclusion must be:

- Used only for as long as the student's behavior poses a reasonable risk of imminent and serious bodily injury to the student or others and less restrictive interventions would not be effective.
- Imposed by personnel of the public education program who are trained to use seclusion through programs approved by ODE under OAR 581-021-0563; or 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.
- Continuously monitored by personnel of the public education program for the duration of the seclusion.

Use of Seclusion for More than 30 Minutes

If seclusion is utilized for more than thirty minutes, additional provisions apply.

- The student must be provided with adequate access to the bathroom and water every 30 minutes.
- Personnel of the public education program must immediately attempt to verbally or electronically notify a parent or guardian of the student.
- Every 15 minutes after the first 30 minutes of the seclusion, an administrator for the public education program must provide written authorization for the continuation of the seclusion, including providing documentation for the reason the seclusion must be continued.

⁷ Any room utilized for seclusion must be free of potentially hazardous conditions and must meet standards for seclusion rooms as per [OAR 581-021-0568](#).

Use of Restraint and Seclusion in Early Childhood

This section applies to the use of restraint and seclusion in Early Childhood Education settings in the state of Oregon that are under the jurisdiction of a school district, an ESD or another educational institution or program and receives, or serves students who receive, support in any form from any program supported, directly or indirectly, with funds appropriated to ODE.

In providing care and educational instruction to young children there will always be 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, arm, or by clasping the child's hand. It is also normal and natural to briefly hold a child without the use of force in an effort 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, if the student does not resist the physical contact. An adult may use their 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 restraint.

Restraint and/or seclusion are safety responses utilized as a last resort when risk is high and when less restrictive interventions would not be effective. Restraint and/or seclusion are not behavioral or therapeutic interventions. Restraint and/or seclusion may not be used for discipline, punishment, retaliation or convenience of personnel, contractors or volunteers of the public education program. The use of any action designed for the primary purpose of inflicting pain upon a student in a public education program is prohibited.

Restraint may be used on a student in a public education program only if the student's behavior imposes a reasonable risk of imminent and substantial physical or bodily injury to the student or others and less restrictive interventions would not be effective. "Substantial physical or bodily injury" means any impairment of the physical condition of a person that requires some form of medical treatment.

Seclusion should not be considered an option in early childhood settings.

It is recommended that seclusion not be utilized in early childhood settings.

Restraint and Seclusion for Students Experiencing Disabilities: Considerations for IEP Teams

The IDEA entitles each eligible student with a disability to a FAPE that emphasizes special education and related services designed to meet the student's unique needs. Under the IDEA, the primary vehicle for providing FAPE is through an appropriately developed IEP that is based on the individual needs of the student. Therefore, it is essential that IEP teams address student behavior when it impedes their learning or that of others. Appropriately implementing IDEA's provisions related to behavior can help school districts avoid an overreliance on, or misuse of restraint, seclusion and exclusionary discipline. Through positive behavioral interventions and supports, including FBAs and BIPs when warranted, IEP teams can effectively plan to manage and improve student behavior.

Staff Training Requirements on Restraint and Seclusion

Personnel of public education programs⁸ implementing restraint and/or seclusion must be trained in an ODE approved training program. The district or program is authorized to choose from [an ODE-approved training program](#).

- Ensuring continuous monitoring of a student during restraint and/or seclusion is obligatory. It is imperative that a student maintains the ability to breathe and communicate throughout these measures. It is essential to avoid restraining or secluding a student for a duration longer than necessary. The training will heighten awareness of physiological and emotional indicators linked to a student's initiation of calming or de-escalation.
- Whenever feasible, it is advisable not to employ restraint in the presence of other students. This approach upholds the student's dignity and fosters respect during times of crisis, while also minimizing the impact of the situation on others.
- It is important to note that verbal threats, disrespectful language, or noncompliance with directives or school regulations **are not** justifications for employing restraint and/or seclusion.
- Under no circumstances should restraint or seclusion be utilized as a means of discipline, punishment, retaliation, or for the convenience of personnel, contractors, or volunteers within the public education program.

Staff Training Requirements for Individualized Student Plans

⁸ "Public education program" means a program in this state 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. See [OAR 581-021-0550](#).

Under OAR 581-015-2181, a school district must conduct a functional behavioral assessment and develop, review or revise a behavior intervention plan within 45 school days of receiving parental consent to conduct the assessment for every student who has:

- An IEP or a 504 Plan; and
- Placed the student, other students or staff at imminent risk of serious bodily injury as a result of the student's behavior.

When a behavior intervention plan is developed, reviewed or revised, the school district must:

- Ensure that the behavior intervention plan is based on a functional behavioral assessment that was conducted by a qualified person;
- Ensure that the behavior intervention plan appropriately addresses the student's needs;
- Allow service providers involved in the incident when the student, other students or staff were at imminent risk of serious bodily injury to provide meaningful input into the development, review or revision;
- Inform the service providers about any portions of the behavior intervention plan that are relevant to the service providers and about any training opportunities for the service providers; and
- Ensure that the behavior intervention plan was correctly implemented before making any revisions.

Monitoring and Reporting Incidents

School districts are required to make assurances with the [Division 22](#) requirements necessary to be considered a standard school district. These requirements include assuring compliant practices related to restraint and seclusion.

The Oregon Department of Education (ODE) ensures oversight of restraint and seclusion through the required reporting of [restraint and seclusion data](#). Additionally, through activities of [general supervision](#), ODE works with districts to assure continual progress on this data and other data indicators that speak to Oregon's capacity to educate children experiencing disability without using reactive strategies. General supervision requirements also establish enforcement mechanisms that ODE can use when a district has demonstrated noncompliance with the Individuals with Disabilities Education Act (IDEA).

Accurate documentation and reporting of restraint and seclusion incidents is essential for ensuring accountability, identifying patterns, and informing continuous improvement efforts. Schools should establish procedures for:

- Documenting each restraint and seclusion incident.
- Communicating with parents or guardians after each incident, as required by state law.
- Notify parents and guardians if any photos or audio or video records exist and review the record(s) during the required debrief meeting.

- Reviewing incidents at the school and district level to identify trends, assess the effectiveness of prevention strategies, and make adjustments as needed to assure the prevention and future reduction of restraint and seclusion.
- Reporting data on restraint and seclusion to the Oregon Department of Education, as required.
- Post restraint and seclusion data on the local level and assure parents are advised at least once each school year about how to access the report.

Restraint and Seclusion Documentation Requirements

Document the restraint and/or seclusion using an incident report as soon as possible after the incident using the ODE sample form or a form that meets all the requirements of [581-021-0556](#): Procedures Regarding Restraint and Seclusion, as follows:

1. Parent(s)/guardian(s) of students who are restrained and/or secluded are to be notified of the incident by the end of the school day in which the incident occurred.
2. Following an incident involving the use of restraint or seclusion, the parent must receive immediate, written notification of the existence of a photo or audio or video record.
3. Parent(s)/guardian(s) of students who are restrained and/or secluded must receive written documentation of the incident within twenty-four hours of the incident that provides a description of the restraint and/or seclusion, including:
 - Date of the restraint and/or seclusion
 - The times when the restraint and/or seclusion began and ended
 - The location of the restraint and/or seclusion
 - A description of the student's activity that prompted the use of restraint and/or seclusion
 - Efforts used to de-escalate the situation and the alternatives to restraint and/or seclusion that were attempted
 - The names of the personnel of the public education program who administered the restraint and/or seclusion
 - Description of the training status of personnel who administered the restraint and/or seclusion.
 - If the personnel of the public education program who administered the restraint or seclusion had not received training from a program approved by the Department of Education, parents(s)/guardian(s) will receive written notification of the lack of training and the reason the restraint or seclusion was administered by a person without training.
 - Timely notification of a debriefing meeting to be held within two school days after each incident of restraint and/or seclusion and of the parent's or guardian's right to attend.
 - The public education program must review any preserved photos or audio or video recordings during the required debriefing meeting that must occur within two days of any incident involving restraint or seclusion.

- 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.

Five Incidents In A School Year

If a student is involved in five incidents in a school year involving 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.

Serious Bodily Injury or Death of a Student

If serious bodily injury or death of a student occurs in relation to the use of restraint or seclusion, oral notification of the incident must be provided immediately to a parent or guardian of the student and to the Department of Human Services. Additionally, written notification of the incident that must be provided within 24 hours of the incident to the Department of Human Services.

Serious Bodily Injury or Death of Personnel

If serious bodily injury or death of personnel of the public education program occurs in relation to the use of restraint or seclusion, written notification of the incident must be provided within 24 hours of the incident to the district superintendent, to the Superintendent of Public Instruction and, if applicable, to the union representative for the affected party.

Restraint and Seclusion Reporting Requirements

OAR 581-022-2267 requires each entity that has jurisdiction over a public education program to prepare and submit an annual report detailing the use of restraint and seclusion for the preceding school year to ODE.

Each entity that has jurisdiction over a public education program shall make its annual report about restraint and seclusion available to:

- The public at the entity’s main office and the website of the entity;
- The school board or governing body overseeing the entity;
- If the entity is an ESD, the component school districts of the education service district; and
- If the entity is a public charter school, the sponsor of the public charter school.

Additionally, parents and guardians of students in a public education program shall be advised at least once each school year about how to access the report. The annual report shall include, at a minimum:

- The total number of incidents involving restraint;
- The total number of students placed in restraint;

- The total number of incidents involving seclusion;
- The total number of students placed in seclusion;
- The total number of seclusions in a locked room;
- The total number of seclusion rooms available, including a description of the dimensions and design of the rooms;
- The total number of incidents that resulted in injuries or death to students or personnel as a result of the use of restraint or seclusion;
- The number of students who were placed in 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 restraint and seclusion for each student;
- The number of incidents in which the personnel of the public education program administering restraint or seclusion were not trained; and
- The demographic characteristics of all students upon whom 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 (OAR 581-022-2267).

Restraint and Seclusion: Founded Reports of Child Abuse

Under [SB 790](#), the Oregon Department of Human Services conducts investigations into reports of suspected abuse of students in public education programs. If such a report is determined to be founded, the department holds the public education program responsible for the abuse under certain circumstances. These include:

- A. If the abuse involved the use of restraint or seclusion, and the public education program failed to ensure that an adequate number of properly trained personnel were available to comply with the individualized education programs, 504 Plans, and behavior intervention plans of the students present when the abuse occurred.
- B. If the abuse involved the use of restraint, seclusion, or neglect, and the public education program did not provide the personnel involved with access to the student's individualized education program, 504 Plan, or behavior intervention program, or failed to provide them with sufficient training to perform health-related or personal care tasks appropriately. Furthermore, if the personnel were unaware of or failed to provide the services and supports required by the student's individualized education program, 504 Plan, or behavior plan.
- C. If the abuse involved the use of restraint or seclusion, and a superior ordered personnel to impose it, and the personnel reasonably believed that failure to comply with the order would result in termination or discipline.
- D. If the abuse involved the use of restraint or seclusion, and the public education program failed to ensure that the personnel who imposed the restraint or seclusion were adequately trained in its use. Additionally, if the personnel reasonably believed that failure to impose the restraint or seclusion would result in serious bodily injury to the student or others, and the type of restraint used was not prohibited under ORS 339.288.

These measures underscore the commitment to ensuring the safety and well-being of students within public education programs, reinforcing the imperative nature of adhering to established protocols and maintaining a culture of responsible and informed intervention.

It is vital to understand that if a public education program utilizes other students in their specialized classrooms as a paid employee or volunteer and that student engages in a restraint with another student OTIS will be naming the school as the Respondent. OTIS does not identify minors as perpetrators of child abuse and the school leadership is making the determination of appropriateness of one student being placed in authority over another student.

Prevention Strategies

Developed by the National Association of State Mental Health Program Directors these [Six Core Strategies for Reducing Seclusion and Restraint Use](#) were developed through extensive literature reviews and dialogues with experts who have successfully reduced use in a variety of settings for children and youth across the United States and internationally. The document also contains a planning tool for reducing restraint and seclusion. The Six Core Strategies include:

1. **Leadership Towards Organizational Change:** To reduce the use of seclusion and restraint by defining and articulating a mission, philosophy of care, guiding values, and assuring for the development of a restraint and seclusion reduction plan and plan implementation. The guidance, direction, participation, and ongoing review by executive leadership is clearly demonstrated throughout the restraint and seclusion reduction project.
2. **Using Data to Inform Practice:** To reduce the use of restraint and seclusion by using data in an empirical, non-punitive manner. Includes using data to analyze characteristics of facility usage by unit, shift day, and staff member; identifying facility baseline; setting improvement goals and comparatively monitoring use over time in all care areas, units and/or state systems like facilities.
3. **Workforce Development:** To create an environment whose policy, procedures, and practices are grounded in and directed by a thorough understanding of the neurological, biological, psychological, and social effects of trauma and violence on humans and the prevalence of these experiences.
 - a. This intervention is designed to create an environment that is less likely to be coercive or conflictual. It is implemented primarily through staff training and education. This also includes the provision of effective and person centered educational activities on a daily basis that are designed to teach skills.
4. **Use of Restraint and Seclusion Reduction Tools:** To reduce the use of restraint and seclusion through the use of a variety of tools and assessments that are integrated into the environment. This could include school wide implementation, group work, and individual progress monitoring. This might also include trauma assessment, teaching skills, primary prevention and de-escalation strategies, as well as calming environments.

5. **Student and Family Input:** Providing full and formal inclusion of students and family members in a variety of decision-making roles in the organization to assist in the reduction of restraint and seclusion
6. **Debriefing Techniques:** To minimize the use of restraint and seclusion in schools, it is crucial to employ insights obtained from a thorough examination of previous incidents and employ this knowledge to shape policies, protocols, and methodologies that prevent their recurrence. Another objective of this intervention is to actively alleviate the detrimental and potentially traumatizing consequences of such events on the staff, students, and any witnesses involved.

There are effective research-supported alternatives⁹ to restraint and seclusion, such as:

Curriculum-Based Strategies:

- Implementation of a school-wide social-emotional learning (SEL) curriculum.
- Establishing predictable schedules for students.
- Promoting increased choice-making opportunities.
- Teaching skills guided by functional behavior assessments (FBA).

Behavior Support Strategies:

- Adoption of school-wide Positive Behavioral Interventions and Supports (PBIS) across intervention tiers, catering to all students.

Relaxation-Based Strategies:

- Creation of calming areas within classrooms and the school premises.
- Incorporation of multi-sensory de-escalation spaces.

Conflict De-escalation Strategies:

- Utilization of techniques such as life space interviewing.
- Application of motivational interviewing.
- Provision of conflict cycle and crisis management training for all staff members.

Conclusion

Preventing restraint and seclusion in Oregon schools is a critical goal for ensuring student safety and well-being. By implementing evidence-based prevention strategies, providing staff with appropriate training and resources, and monitoring progress, schools can create a positive and inclusive environment that supports the needs of all students.

⁹ Ryan, J. B. (2015). Reducing the Use of Isolation and Restraint in Schools. Clemson University.

Appendix: Questions and Answers

Restraint Questions and Answers

1. What does restraint mean?

Restraint means the restriction of a student's actions or movements by holding the student or using pressure or other means. Restraint does not include:

- Holding a student's hand or arm to escort the student safely and without the use of force from one area to another.
- Assisting a student to complete a task if the student does not resist the physical contact.

Restraint also does not include providing reasonable intervention with the minimal exertion of force necessary if the intervention does not include a restraint prohibited under ORS 339.288 and the intervention is necessary to:

- Break up a physical fight
- Interrupt a student's impulsive behavior that threatens the student's immediate safety, including running in front of a vehicle or climbing on unsafe structures or objects; or
- Effectively protect oneself or another from an assault, injury or sexual contact with the minimum physical contact necessary for protection.

2. What is the definition of "substantial physical or bodily injury"?

Substantial physical or bodily injury means any impairment of the physical condition of a person that requires some form of medical treatment.

3. When is it an option to utilize restraint?

Restraint may be initiated only if the student's behavior imposes a reasonable risk of imminent and substantial physical or bodily injury to the student or others and less restrictive interventions would not be effective.

"Substantial physical or bodily injury" means any impairment of the physical condition of a person that requires some form of medical treatment.

Verbal threats, cussing, shouting, or refusal to comply with directives or school rules do not warrant restraint and/or seclusion.

4. Is there a time limit for how long a student can be placed in restraint?

Restraint may occur only until the behavior no longer imposes a reasonable risk of imminent and substantial physical or bodily injury to the student or others. If the restraint continues for more than thirty minutes, the following must occur:

- School personnel must immediately attempt to notify the student's parent(s)/guardian(s), verbally or electronically.

- The student must be provided with adequate access to the bathroom and water every thirty minutes. This means the student is offered water and a bathroom break. If the student is still exhibiting escalated behavior, going to the bathroom at that moment may not be prudent. Staff must exercise good judgment to avoid further escalating the situation or safety risk. At every thirty-minute interval, the student must be offered water and the opportunity to use the bathroom.
- Every fifteen minutes after the initial thirty minutes an administrator must provide written authorization for the continuation of the restraint, including providing documentation for the reason the restraint must be continued.

5. Must the student be continuously monitored during a restraint?

Yes. At a minimum, the staff administering the restraint must monitor the student's condition, making sure the student is not being unduly harmed and is able to breathe.

Whenever additional staff members are present, it is best practice to have a staff member who is not involved in the restraint monitoring the student's condition at all times, including checking to ensure that the student is able to breathe and is not being unduly harmed. The trained staff are expected to follow the best practice guidelines for implementation provided by approved training programs. Staff should be available for continuous monitoring and to switch out with one another if needed, due to fatigue or other considerations.

6. Is it considered restraint 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)?

No. "Restraint" means the restriction of a student's actions or movements by holding the student or using pressure or other means. Restraint does not include:

- Holding a student's hand or arm to escort the student safely and without the use of force from one area to another.
- Assisting a student to complete a task if the student does not resist the physical contact.

7. If a student calms down right away after being placed in a restraint, is the school required to notify the student's parent(s)/guardian(s), complete a restraint incident report and hold a debriefing meeting?

Yes. Every time a student is placed in a restraint, the school must give the parent(s)/guardian(s) verbal or written notification by the end of the day the incident occurred. Within two school days of the incident, a documented debriefing meeting by appropriate staff must occur and include all staff involved in the incident.

Parent(s)/guardian(s) must be notified of the debriefing in a timely manner and of their right to attend the meeting. 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. See OAR 581-021-0556.

8. Educational programs that are located in certain facilities are subject to different rules regarding the use of restraint and seclusion and are not subject to the previously mentioned rules. What are these programs and what regulations apply?

The following regulations apply to each program:

- Educational programs located in treatment programs, juvenile detention facilities as defined in ORS 419A.004, youth correction facilities as defined in ORS 420.005, and youth substance abuse programs are subject to different regulations regarding the use of restraint and seclusion.
- The rules for students in treatment programs can be found in the Oregon Health Authority: Behavioral Health Services – OAR Chapter 309, Division 112, Use of Restraint for Patients in State Institutions.
- Students in juvenile detention facilities or youth correction facilities are subject to OAR Chapter 416, Division 490, Use of Time-Out, Room-lock Other, Isolation, Safety Programs, Physical Intervention, and Restraint in OYA Facilities.
- Students placed in substance abuse programs that provide educational programs are subject to OAR 309-022-0175 Restraint and Seclusion.

For the purposes of this manual, we are focused solely on statutes and administrative rules surrounding restraint and seclusion applicable to students enrolled in public education programs.

Public education programs are defined in OAR 581-021-0550, as programs in this state that:

- Are for students in early childhood education, elementary school or secondary school.
- Are under the jurisdiction of a school district, an ESD or another educational institution or program; and
- Receive, or serve students who receive, support in any form from any program supported, directly or indirectly, with funds appropriated to Oregon Department of Education.

9. When restraint is included in an individual student’s behavior intervention plan (BIP), what guidelines are used when responding to student behavior(s)?

Restraint and seclusion are not behavioral or therapeutic interventions, nor a planned behavioral interventions. Rather, intervention utilizing restraint and/or seclusion are safety responses, used only as a last resort, when risk of harm or injury is high, when lesser interventions are not effective, and when an emergency response may reduce that risk.

However, if teams are aware of crisis response strategies that are effective for an individual student, these are typically written into their IEPs to ensure best practices for individualized student support, responding with efficacy, regardless of the level of escalation. A typical behavior support plan will include prevention, teaching, and de-escalation strategies. These plans will sometimes include crisis and emergency response protocols to ensure that safety responses are individualized to support the very unique needs of specific students effectively. Individualization at this tertiary level can assist in further assuring that there is a plan for everyone on the student's team to respond in a predictable, effective, student-centered manner during a crisis. In this way, there can be an established plan for swift mitigation of the event, while maintaining student-centered practices and student safety. This planning is also important when a student has a medical port, device, or other physical issues that must be addressed individually during a behavior emergency.

Prior to the implementation of any BIP, a functional behavior assessment must be completed. The individual student's behavior intervention plan must address a variety of interventions to maintain baseline and prevent escalation; to teach effective strategies for increasing student skill acquisition; successful strategies for de-escalation; as well as how to best respond effectively to mitigate a crisis situation.

Although statute requires a team, including a parent or guardian of the student, to form for the purpose of reviewing and revising the student's behavior plan after five incidents in a school year, teams may convene prior to the maximum count of five. This assures the provisions of appropriate behavioral strategies, including positive behavior supports as necessary.

10. What would constitute mechanical restraint versus the use of adaptive equipment to assist a student with a disability?

Mechanical restraint is prohibited in the State of Oregon and can never be used to restrain 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.

Protective and stabilizing devices to assist students with disabilities (i.e., for feeding, maintaining support/posture when sitting/standing, swings or other items used to address sensory needs, etc.) do not constitute mechanical restraint. These devices are recommended by the IEP team for providing access to a Free and Appropriate Public Education for the student and are not utilized for behavior management, restraint, or convenience of personnel.

11. What about adding mats and other objects to the environment, to be utilized for protection in a situation that could result in restraint or seclusion?

A restraint includes any training program approved protective physical intervention applied that restricts the student's actions or movements by holding the student or using pressure or other means because there is a reasonable risk of imminent and substantial physical or bodily injury to the student or others and less restrictive interventions would not be effective.

It is typical to utilize objects in the environment for self-protection or to assist a student (pillow for self-harm), in prevention during episodes of escalation. However, intentional and non-incident addition of the use of a solid object, including big mats, is not allowable if the maneuver is not included or taught in the school district's approved training curriculum. The rationale for the addition of mats is often to shield for self-protection. However, without proper training, there is risk of human error, including drift from shielding with implementation possibly turning to pushing against (rather than shielding from) any possible harm. Mats must be utilized within approved programs, in line with the detailed Department approved training specifications.

The following practices may result in a violation of a student's rights and signal that a school or district should review whether its policies and practices are appropriate:

- Adding a solid object, gym mat or other object to the environment
- Corrals made of mats from which a student is not only prevented from leaving but from seeing out
- Corrals or secured areas built of wooden gates, cushions, furniture or other objects

Corralling students with mats or other objects may signal drift from best practices and brings with it the risk of injury to the student and others.

Seclusion Questions and Answers

1. What does seclusion mean?

Seclusion means the involuntary confinement of a student alone in a room from which the student is physically prevented from leaving. Seclusion includes, but is not limited to, the involuntary confinement of a student alone in a room with a closed door, whether the door is locked or unlocked. See OAR 581-021- 0550.

2. What is the definition of "serious bodily injury"?

Serious Bodily Injury (SBI) 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.

3. What is an example of seclusion?

The student is alone and prevented from leaving the room with the teacher/staff person on the outside of the room. Note that all of the following conditions are met:

- The door is closed.

- The student is alone in the room and is physically separated from others.
- The teacher/staff person is outside of the room.

If seclusion does occur, see OAR 581-021-0568: Standards for Seclusion Rooms

4. What does not constitute seclusion?

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.
- A student being left alone in a room with a closed door for a brief period of time if the student is left alone for a purpose that is unrelated to the student's behavior.
- A "room clear" situation where the room is "cleared" and a teacher/staff person remains in the room with the student to assist with a return to baseline emotion. Note that this situation does not constitute a seclusion as:
 - The student is not alone.
 - There is a teacher/staff person present with that student in the room.

5. Is in-school suspension (ISS) the same thing as seclusion?

No. Seclusion means the involuntary confinement of a student alone in a room from which the student is physically prevented from leaving. Seclusion includes, but is not limited to, the involuntary confinement of a student alone in a room with a closed door, whether the door is locked or unlocked.

Students in in-school suspension have access to staff and other students. Students in in-school suspension are not involuntarily confined alone in a room from which they are physically prevented from leaving.

6. Is there a time limit for how long a student can be placed in seclusion?

Seclusion may only continue 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 thirty minutes, the following must occur:

- School personnel must *immediately* attempt to notify the student's parent(s)/guardian(s), verbally or electronically.
- The student must be provided with adequate access to the bathroom and water every thirty minutes. This means the student is offered water and a bathroom break. If the student is still exhibiting behavior(s) of concern, going to the bathroom at that moment may not be prudent. Staff must exercise good judgment to avoid further escalating the situation or safety risk. At every thirty-minute interval, the student must be offered water and the opportunity to use the bathroom.

- Every fifteen minutes after the initial thirty minutes an administrator must provide written authorization for the continuation of the seclusion, including providing documentation for the reason the seclusion must be continued.

7. If a student calms down right away after being placed in seclusion is the school required to notify their parent(s)/guardian(s), complete a seclusion incident report and hold a debriefing meeting?

Yes. Every time a student is placed in seclusion the school must give the parent(s)/guardian(s) verbal or electronic notification by the end of the school day, and written documentation within twenty-four hours. Within two school days of the incident, a documented debriefing meeting needs to occur, including staff involved in the seclusion. Parent(s)/guardian(s) must be notified of the debriefing in a timely manner and of their right to attend the meeting. 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. See OAR 581-021-0556.

8. What is the definition of a student being alone in a room?

Being alone means that the student is the only one in the room and is physically separated from others. There are no other students or staff in the room. When a student is alone in a room, they must be continually visually monitored by staff.

9. What is an appropriate seclusion room?

An appropriate seclusion room is a room that meets the standards and specifications of OAR 581-021-0568: Standards for Seclusion Rooms.

10. What are the standards for seclusion rooms?

The standards for seclusion rooms are:

- 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 sixty-four square feet and the distance between adjacent walls must be no less than 7 feet across
- The room must not be isolated from school staff of the facility
- Doors must be unlocked or equipped with immediate-release locking mechanisms
- 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 when direct visual monitoring can occur
- The room must not contain protruding, exposed, or sharp objects
- The room must not contain free standing furniture
- 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

- There must not be 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 that must be recessed or covered with screening, safety glass or unbreakable plastic. Any cover, cap or shield must be secured by tamper-proof screws
- The room must meet State Fire Marshal safety, fire and health standards.
- If sprinklers are installed, they must be recessed or covered with a cage. If pop-down type, sprinklers must have breakaway strength of less than eighty pounds. In lieu of sprinklers, combined smoke and heat detectors must be used with similar protective design or installation
- The room must be ventilated. Heating and cooling vents must be secure and out of reach
- The room must be designed and equipped in a manner that would not allow a student to climb up a wall
- Walls, floors and ceiling must be solidly and smoothly constructed, to be cleaned easily and have no rough or jagged portions
- Seclusion cells are prohibited as provided in OAR 581-021-0569.

11. What does “structural integrity” mean when determining whether a room used for seclusion is a seclusion cell?

Structural integrity refers to the soundness of design and construction, ensuring that seclusion rooms meet safety and workability standards as stipulated in OAR 581-021-0568. This encompasses not only the materials and methods used, such as stick-built walls versus bolted panels or freestanding units, but also ethical considerations. The design should uphold the dignity, privacy, and accessibility needs of students, aligning with the intent of seclusion room statutes to provide a safe and humane environment.

12. What constitutes safe screening to ensure student safety from lights, electrical outlets, windows, etc., as noted in the seclusion standards OAR 581-021-0568?

Safety screens should be designed in a manner that would keep students’ fingers from becoming entangled in the screens.

13. What other statute or rule is associated with serious bodily injury and supporting students on IEPs or 504 Plans?

Under OAR 581-015-2181, a school district must conduct a functional behavioral assessment and develop, review or revise a behavior intervention plan within 45 school days of receiving parental consent to conduct the assessment for every student who:

- Has an individualized education program or a 504 Plan; and
- Placed the student, other students or staff at imminent risk of serious bodily injury as a result of the student’s behavior.

If a functional behavioral assessment has been previously completed, the school district must review and/or revise the existing functional behavior assessment.

When a behavior intervention plan is developed, reviewed or revised, the school district must:

- Ensure that the behavior intervention plan is based on a functional behavioral assessment that was conducted by a qualified person;
- Ensure that the behavior intervention plan appropriately addresses the student's needs;
- Allow service providers involved in the incident when the student, other students or staff were at imminent risk of serious bodily injury to provide meaningful input into the development, review or revision;
- Inform the service providers about any portions of the behavior intervention plan that are relevant to the service providers and about any training opportunities related to the implementation of the behavior intervention plan for the service providers; and
- Ensure that the behavior intervention plan was correctly implemented before making any revisions.

Staff Training Requirements

1. Must staff be trained in the use of restraint and/or seclusion before restraining a student in an emergency situation?

No. Personnel of the public education program who are not trained may use restraint and/or seclusion in an emergency circumstance only if trained personnel are not immediately available due to the unforeseeable nature of the emergency circumstance. See OAR 581-021- 0553.

2. Can a school employee who has not been trained in an approved training program use restraint and/or seclusion on a student when the use of restraint and/or seclusion is included in the student's behavior intervention plan (BIP)?

Yes, but only if it is an emergency situation. Generally, restraint and seclusion should not be included in a student's BIP. However, when restraint and/or seclusion are used as part of a BIP, best practice and compliance with the law requires staff to be trained. Staff working with a student who has restraint and/or seclusion in a BIP need to be trained in an approved training program.

Personnel of the public education program who are not trained may use restraint and/or seclusion in an emergency circumstance only if trained personnel are not immediately available due to the unforeseeable nature of the emergency circumstance. See OAR 581-021- 0553.

Documentation Requirements

1. What are the requirements for parent(s)/guardian(s) notification after the use of seclusion and/or restraint?

If any photo or audio or video records exist, following an incident involving the use of restraint or seclusion, the parent must receive immediate, written notification of the existence of a record. As per OAR 581-021-0556, parent(s)/guardian(s) of students who are restrained and/or secluded must receive written documentation of the incident within twenty-four hours of the incident that provides a description of the restraint and/or seclusion, including:

- Date of the restraint and/or seclusion
- The times when the restraint and/or seclusion began and ended
- The location of the restraint and/or seclusion
- A description of the student's activity that prompted the use of restraint and/or seclusion
- Efforts used to de-escalate the situation and the alternatives to restraint and/or seclusion that were attempted
- The names of the personnel of the public education program who administered the restraint and/or seclusion
- Description of the training status of personnel who administered the restraint and/or seclusion.
- If the personnel of the public education program who administered the restraint or seclusion had not received training from a program approved by the Department of Education, parents(s)/guardian(s) will receive written notification of the lack of training and the reason the restraint or seclusion was administered by a person without training.
- Parent(s)/guardian(s) must also receive timely notification of a debriefing meeting to be held within two school days after each incident of restraint and/or seclusion and of the parent's or guardian's right to attend.
 - Programs must preserve, and may not destroy, any records related to an incident of restraint or seclusion, including any photo or audio or video recording. The records must be preserved in the original format and without any alteration.
 - Any photo or audio or video recording preserved shall be reviewed during the required debriefing meeting.
 - 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.

2. Following an incident involving the use of restraint or seclusion, the parent must receive immediate, written notification of the existence of a photo or audio or video record. What does immediate mean in this situation?

It is important to notify parents as soon as possible. This means that public education programs must act swiftly to assure parents are notified of the existence of a photo or audio or video record.

3. What is meant by a documented debriefing by appropriate staff? Who should be included and when must the debriefing occur?

A debriefing meeting is held regarding the use of restraint and/or seclusion 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 and must be documented. Parent(s)/guardian(s) have the right to attend this debriefing meeting and must be notified in a timely manner of this meeting. Written notes must be taken of the debriefing meeting, and a copy of the written notes must be provided to parent(s)/guardian(s) of the student. See OAR 581-021-0556. Any photo or audio or video recording of the incident shall be preserved and reviewed during the required debriefing meeting.

4. What is the purpose of the debriefing meeting and what issues should be reviewed by the debriefing team?

The primary purpose of the debriefing is to review the incident and take any 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 restraint and/or seclusion. After reviewing the incident report and any preserved photos or audio or video records, the debriefing team conducts a review of the factor(s) that precipitated the event, the de-escalation technique(s) used, the restraint or seclusion 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 restraint and/or seclusion utilized with the student, and any other relevant factors that the debriefing team deems appropriate. For instance, the team may decide to initiate an IEP or 504 plan review, or to conduct a functional behavior assessment (FBA) to inform the creation of a behavior intervention plan (BIP) to address the behavior, if deemed appropriate.

If a student is served via an IEP or a 504 Plan and placed themselves, other students or staff at imminent risk of serious bodily injury as a result of their behavior, then a school district must conduct a functional behavioral assessment and develop, review or revise a behavior intervention plan within 45 school days of receiving parental consent to conduct the assessment. If a functional behavioral assessment has been previously completed, the school district must review and/or revise the existing functional behavior assessment.

When a behavior intervention plan is developed, reviewed or revised, the school district must:

- Ensure that the behavior intervention plan is based on a functional behavioral assessment that was conducted by a qualified person;
- Ensure that the behavior intervention plan appropriately addresses the student's needs;

- Allow service providers involved in the incident when the student, other students or staff were at imminent risk of serious bodily injury to provide meaningful input into the development, review or revision;
- Inform the service providers about any portions of the behavior intervention plan that are relevant to the service providers and about any training opportunities for the service providers; and
- Ensure that the behavior intervention plan was correctly implemented before making any revisions.

If a student is involved in five incidents in a school year involving 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.

5. Is a separate incident log required for each student?

Best practice suggests that an incident log be maintained for each student involved in a restraint and/or seclusion incident to facilitate "tracking" of behavior. Depending on the specifics, the situation or circumstances associated with the student (e.g., special education or general education), the log might be completed in different ways and retained as a record accordingly in compliance with the law and district policies and procedures.

Reporting Requirements

1. What are the annual reporting requirements?

The annual reporting requirements regarding restraint and seclusion require that each entity that has jurisdiction over a public education program prepare and submit an annual report detailing the use of restraint and seclusion for the preceding school year to ODE.

2. When making the annual report available to the public, what are the responsibilities of the entities that have jurisdiction over a public education program?

Each entity that has jurisdiction over a public education program shall make its annual report about restraint and seclusion available to:

- The public at the entity's main office and the website of the entity;
- The school board or governing body overseeing the entity;
- If the entity is an education service district, the component school districts of the education service district; and
- If the entity is a public charter school, the sponsor of the public charter school.

3. Is an incident report required for each student?

Yes. An incident report must be maintained for each student involved in a restraint and/or seclusion incident. Parents are to receive a copy of the written report within 24 hours of the incident. Sample student incident reports are provided at the ODE website¹⁰.

General Questions Regarding Individualized Student Programming

1. Can seclusion and/or restraint be included in a BIP?

It depends. It is best practice not to list restraint or seclusion on behavior intervention plans (BIP) for specific students because the use of restraint and/or seclusion are safety responses utilized as a last resort when risk¹¹ is high and when less restrictive interventions would not be effective. Restraint and/or seclusion are not behavioral or therapeutic interventions.

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 restraint, either due to the nature and severity of the student's behavior and/or a history of the use of seclusion and/or restraint; then steps might be taken by the IEP or Section 504 planning team to include the use of seclusion and/or restraint in the safety/crisis response section of the student's individualized behavior intervention plan.

Prior to the implementation of any BIP, a functional behavior assessment must be completed. The individual student's behavior intervention plan must address a variety of interventions to maintain baseline and prevent escalation; to teach effective strategies for increasing student skill acquisition; successful strategies for de-escalation; as well as how to best respond effectively to mitigate a crisis situation.

¹⁰ Sample forms can be found at <https://www.oregon.gov/ode/students-and-family/healthsafety/Pages/School-Discipline,-Bullying,-Restraint-and-Seclusion.aspx>

¹¹ Restraint may be used on a student in a public education program only if the student's behavior imposes a reasonable risk of imminent and substantial physical or bodily injury to the student or others and less restrictive interventions would not be effective. Seclusion may be used on a student in a public education program only if the student's behavior imposes a reasonable risk of imminent and serious bodily injury to the student or others and less restrictive interventions would not be effective.

2. Should a BIP be developed for students currently on an IEP or 504 plan if the student's behavior results in the use of seclusion and/or restraint?

If a student with an IEP or 504 plan has been restrained and/or secluded and does not have a BIP, then the appropriate individuals (i.e., IEP team, 504 plan team) need to promptly meet and consider the need for the provisions of individualized behavior supports. If a student is involved in five incidents in a school year involving restraint and/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.

3. 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 seclusions and/or restraints? If there is a suspected disability, the student must 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 BIP, even if the student is not found eligible under IDEA or Section 504. Best practice would suggest conducting a functional behavior assessment and implementing a behavior intervention plan after two incidents of restraint and/or seclusion. However, the law requires that if a student is involved in five incidents in a school year involving restraint and/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.

Appendix: Resources

Remember to stay up-to-date with federal and state regulations and guidelines, as well as any district-specific policies and procedures related to restraint and seclusion.

For additional information and guidance, consider the following resources:

1. Oregon Department of Education: [Restraint and Seclusion](#)
2. U.S. Department of Education: [Restraint and Seclusion: Resource Document](#)
3. Positive Behavioral Interventions & Supports: [PBIS.org](#)
4. Lives in the Balance: [Collaborative & Proactive Solutions](#)
5. Crisis Prevention Institute: [Nonviolent Crisis Intervention Training](#)

Oregon Administrative Rules: Restraint and Seclusion

[581-021-0550](#)

Definitions: Restraint and Seclusion

[581-021-0553](#)

Use of Restraint and Seclusion in Public Education Programs

[581-021-0556](#)

Procedures Regarding Restraint and Seclusion

[581-021-0563](#)

Approval of Restraint and Seclusion Training Programs for School Staff

[581-021-0566](#)

Required Use of Approved Restraint and Seclusion Programs

[581-021-0568](#)

Standards for Seclusion Rooms

[581-021-0569](#)

Use of Seclusion Cells Prohibited

[581-021-0570](#)

Complaint Procedures

[581-015-2181](#)

Functional Behavioral Assessments

[581-022-2267](#)

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