

Technical Assistance & Guidelines Manual

Restraint and Seclusion

January 2020



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RESTRAINT & SECLUSION OARs

[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](#)

Annual Report on Use of Restraint and Seclusion

Use of Restraint and Seclusion in Oregon

Restraint and/or seclusion are safety responses utilized as a last resort when risk¹ 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.

School districts, education service districts (ESDs) and school boards shall 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. "Substantial physical or bodily injury" means 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. "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. 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 OAR 581-015-2181, a school district must conduct a functional behavioral assessment²

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.

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.

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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.

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

The statute and related rules also specify 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.
- ✓ Parent(s)/guardian(s) of students who are restrained and/or secluded

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.

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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:

- 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.
 - 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/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 intervention plan and ensuring the provision of any necessary behavioral supports.
- ✓ Restraint and/or seclusion training programs approved by ODE⁶ must meet standards established by the Department of Human Services

⁶ A list of ODE approved training programs can be found at: <https://www.oregon.gov/ode/students-and-family/healthsafety/Documents/approvedrestraintseclusionprograms.pdf>

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(DHS). The training of school personnel in restraint and/or 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 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.

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 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.

Use of Restraint

Restraint Defined:

“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; 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.

Restraint can 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. *See* OAR 581-021-0553.

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 restraint. *See* OAR 581-021-0553.

Prohibited Restraint

The use of the following types of restraint on a student in a public education program is prohibited:

Chemical restraint

“Chemical restraint” is 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

“Mechanical restraint” means a device used to restrict the movement of a student or the movement or normal function of a portion of the body of a student.

“Mechanical restraint” does not include a protective or stabilizing device ordered by a licensed physician; or a vehicle safety restraint when used as intended during the transport of a student in a moving vehicle.

Prone restraint

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

Supine restraint

“Supine restraint” means a restraint in which a student is held face up on the floor.

Additional prohibited restraints

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 nonincidental 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

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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 current with required training, 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.

Restraint Q&A

Q #1: What does restraint mean?

A: 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.

Q #2: When is it an option to utilize restraint?

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A: 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.

Q #3: Is there a time limit for how long a student can be placed in restraint?

A: 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.

Q #4: Must the student be continuously monitored during a restraint?

A: 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.

Q #5: 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)?

A: No. “Restraint” means the restriction of a student’s actions or movements by holding

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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.

Q #6: 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?

A: 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.

Q #7: 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?

A: 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.

Statutes and administrative rules surrounding restraint and seclusion applies only to students enrolled in public education programs. Public education programs are defined in OAR 581-021-0550, as programs in this state that:

- a) Are for students in early childhood education, elementary school or secondary school.

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- 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 Oregon Department of Education.

Q #8: When restraint is included in an individual student’s behavior intervention plan (BIP), what guidelines are used when responding to student behavior(s)?

A: It is best practice not to include restraint on behavior intervention plans (BIPs) for specific students because restraint is 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. Restraint is not a behavioral or therapeutic intervention.

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.

Q #9: What would constitute mechanical restraint versus the use of adaptive equipment to assist a student with a disability?

A: 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 FAPE for the student and are not utilized for behavior management, restraint, or convenience of personnel.

Q #10: What would constitute a restraint versus a non-restraint?

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.

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:

- 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
- Corraling 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

Examples of Non-Restraint:

- “Hand over Hand” prompting for instructional purposes.
- Re-directing the student from a potentially dangerous situation by taking their hand or arm and gently guiding them away.
- The student willingly goes when physically escorted by a staff member.
- Providing deep pressure to a student who is in need of sensory input, as per the student’s IEP.

Restraint 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 OAR 581-021-0553 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.

Q: How do public education programs report a reasonable intervention with the minimal exertion of force necessary if the intervention does not include a restraint prohibited under ORS 339.288 and OAR 581-021-0553 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**

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- **Effectively protect oneself or another from an assault, injury or sexual contact with the minimum physical contact necessary for protection.**

A: Intervention in a manner that is not restraint during an incident would fall under the district's policy: Student Code of Conduct and would be communicated and documented in accordance with the district's board policy; which may include but is not limited to:

- Parent/guardian communication
- Incident report or office discipline referral
- Other appropriate verbal and/or written documentation that is consistent with district policy and practice

Use of Seclusion

Seclusion Defined:

“Seclusion” means 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. *See* OAR 581-021-0550.

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. *See* OAR 581-021-0550.

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. *See* OAR 581-021-0553.

“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.

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.

If seclusion continues for more than 30 minutes:

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](#).

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- 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.

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 for the service providers; and
- Ensure that the behavior intervention plan was correctly implemented before making any revisions.

Seclusion Q&A

Q #1: What does seclusion mean?

A: 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.

Q #2: 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

Q #3: What does not constitute seclusion?

A: 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.

Q #4: What is an example that is not seclusion?

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.

Q #5: Is in-school suspension (ISS) the same thing as seclusion?

A: 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 ISS have access to staff and other students. Students in ISS are not involuntarily confined alone in a room from which they are physically prevented from leaving.

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

A: 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:

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- 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 judgement 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.

Q #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?

A: 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.

Q #8: What is the definition of a student being alone in a room?

A: 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.

Q #9: What is an appropriate seclusion room?

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

Q #10: What are the standards for seclusion rooms?

A: 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

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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; halfdoors 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.

Q #11: What does “structural integrity” mean when determining whether a room used for seclusion is a seclusion cell? (Note: the law indicates ‘Seclusion Cell’ means a freestanding, self-contained unit, and any wall that is part of the room used for seclusion must be part of the *structural integrity* of the room).

A: Structural Integrity largely refers to those objects’ soundness of design and construction, including safety and workability. Structural integrity is an essential component of all

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structural engineering projects, ...buildings, ...and other structures that...apply to the safety of humans. Retrieved from: http://www.ehow.com/about_6510702_define_structural-integrity.html#ixzz32Bnv5wxC

The intent of the seclusion room statutes was to ensure that any rooms built met certain standards. Stick built with their own existing walls or stick built to blend with existing walls versus being panels that are bolted to the floor and walls, or freestanding units. See OAR 581-051-0568.

Q #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?

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

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

A: 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.

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.**

Under OAR 581-015-2181, a school district must conduct a functional behavioral assessment⁸

⁸ "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.

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and develop, review or revise a behavior intervention plan⁹ 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 person¹⁰;
- Ensure that the behavior intervention plan appropriately addresses the student's needs;
- Allow service providers¹¹ 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 implementation of the behavior intervention plan for the service providers; and
- Ensure that the behavior intervention plan was correctly implemented before making any revisions.

Restraint Defined:

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 does not include:

⁹ "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.

¹⁰ "Qualified person" means an individual with training and/or experience in conducting functional behavioral assessments.

¹¹ "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.

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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.

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

The statute and administrative rules also specify 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.
- ✓ 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

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days after each incident of restraint and/or seclusion and of the parent's or guardian's right to attend.

- 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 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.

- ✓ Restraint and/or seclusion training programs approved by ODE must meet standards established by the Department of Human Services (DHS). The training of school personnel in restraint and/or seclusion must meet certain criteria, including the provisions 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 ODE, and provide training to school staff working with students in public education programs.

- ✓ Public education programs are defined 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 ODE

- ✓ 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 the Oregon Department of Education. 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

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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.

Staff Training Requirements

Personnel of public education programs¹² implementing restraint and/or seclusion must be trained in an ODE approved training program. The district or program may select from an ODE approved training program list. See OAR 581-021-0563.

Continuous monitoring of a student during restraint and/or seclusion is mandatory. A student must always be able to breathe and speak during restraint and/or seclusion.

Never restrain or seclude a student longer than necessary. The training will increase awareness of the physiological and emotional signs associated with a student starting to calm or de-escalate.

Whenever possible, restraint should not be used in front of other students. This maintains the dignity and respect of the student in crisis and minimizes the impact of the event on others.

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

Restraint or seclusion may not be used for discipline, punishment, retaliation or convenience of personnel, contractors or volunteers of the public education program.

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.

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;

¹² "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](#)

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- 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.

Staff Training Requirements Q&A

Q #1: What does OAR 581-021-0553 mean when it states that restraint and/or seclusion may only be utilized by staff trained to use restraint or seclusion through programs approved by the Oregon Department of Education under OAR 581-021-0563; or are 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?

A: Staff must be trained in a program approved by ODE, and selected by the district/school program, to implement restraint and/or seclusion on a student, except in an emergency situation that may require an untrained staff member or volunteer to implement restraint and/or seclusion upon a student, in accordance with the statutes and administrative rules regarding restraint and seclusion. See OAR 581-021- 0553.

Q #2: Must staff be trained in the use of restraint and/or seclusion before restraining a student in an emergency situation?

A: 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.

Q #3: 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)?

A: 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.

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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

- ✓ Document the restraint and/or seclusion in an incident report as soon as possible after the incident.
- ✓ 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.
- ✓ 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.
 - 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 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.

Documentation Requirements Q&A

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

A: 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.
- 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.

Q #2: What is meant by a documented debriefing by appropriate staff? Who should be included and when must the debriefing occur?

A: 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 matter 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.

Q #3: What is the purpose of the debriefing meeting and what issues should be reviewed by the debriefing team?

A: 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, 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

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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.

Q #4: Is a separate incident log required for each student?

A: 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 accordingly in compliance with the law and district policies and procedures.

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).

Reporting Requirements Q&A

Q #1: What are the annual reporting requirements?

A: 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.

Q #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?

A: 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.

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.

Q #3: Is an incident report required for each student?

A: 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 website¹³.

¹³ Sample forms can be found at <https://www.oregon.gov/ode/students-and-family/healthsafety/Pages/School-Discipline,-Bullying,-Restraint-and-Seclusion.aspx>

General Questions Regarding Individualized Plans

Q #1: When should seclusion and/or restraint be included in a BIP?

A: 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 risk¹⁴ 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.

Q #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?

A: 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

¹⁴ 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.

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.

Q #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?

A: 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.