

Use of Restraint or Seclusion**

Procedure

1. If restraint or seclusion continues for more than 30 minutes, ESD staff will attempt to immediately notify parents or guardians verbally or electronically.
2. Following an incident involving the use of restraint or seclusion, school staff will provide parents or guardians of the student the following:
 - a. Verbal or electronic notice of the incident by the end of the school day when the incident occurred.
 - b. Written documentation of the incident within 24 hours that provides:
 - 1) A description of the physical restraint or seclusion including:
 - a) The date of the physical restraint or seclusion;
 - b) The time the physical restraint or seclusion began and ended, and
 - c) The location of the incident,
 - 2) A description of the student's activity that prompted the use of restraint or seclusion.
 - 3) The efforts used to de-escalate the situation and the alternatives to restraint or seclusion that were attempted.
 - 4) The names of the staff of the public education program who administered the restraint or seclusion.
 - 5) A description of the training status of the personnel who administered the physical restraint or seclusion, including any information that may need to be provided to the parent or guardian.
 - 6) Timely notification of a debriefing meeting to be held and of the parent's or guardian's right to attend the meeting.
 - 7) Immediate¹, written notification of the existence of any records² related to an incident of restraint or seclusion (including photos or audio or video recording).
3. If the restraint or seclusion was administered by a person without training the ESD administrator will ensure written notice is issued to the parent or guardian of the student which includes notice of the lack of training and the reason restraint or seclusion was administered by a person without training. The administrator will ensure written notice of the same to the Superintendent.

¹ "Immediate" means to act as soon as possible without undue delay, but in no case later than within 24 hours of the incident. (OAR 581-021-0556(2)(e))

² Such records shall be maintained in accordance with ORS 339.294(9).

4. A building administrator will be notified as soon as practicable whenever restraint or seclusion has been used.
5. If restraint or seclusion continues for more than 30 minutes the student must be provided with adequate access to bathroom and water every 30 minutes. If restraint or seclusion continues for more than 30 minutes, every 15 minutes after the first 30 minutes an administrator for the public education program must provide written authorization for the continuation of the physical restraint or seclusion, including providing documentation for the reason the restraint or seclusion must be continued. Whenever restraint or seclusion extends beyond 30 minutes, personnel of the ESD will immediately attempt to verbally or electronically notify a parent or guardian.
6. An ESD Restraint and/or Seclusion Incident Report must be completed and copies provided to those attending the debriefing meeting for review and comment.

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

- a. Name of the student;
 - b. Name of staff member(s) administering the physical restraint or seclusion;
 - c. Date of the physical restraint or seclusion, and the time the physical restraint or seclusion began and ended;
 - d. Location of the physical restraint or seclusion;
 - e. A description of the physical restraint or seclusion;
 - f. A description of the student's activity immediately preceding the behavior that prompted the use of physical restraint or seclusion;
 - g. A description of the behavior that prompted the use of restraint or seclusion;
 - h. Efforts to de-escalate the situation and alternatives to physical restraint or seclusion that were attempted;
 - i. Information documenting parent contact and notification
7. A documented debriefing meeting must be held within two school days after the use of physical restraint and/or seclusion. The parent or guardian of the student must be invited to attending the meeting³, and the meeting will include staff members involved in the intervention and any other appropriate personnel. The debriefing team shall include an administrator. At the debriefing

³ “Meeting” means the debriefing meeting at which the audio or video recording will be viewed. (OAR 581-021-0556(9))

meeting, the ESD shall review, in its entirety, any audio or video recording⁴ preserved as a record of the incident involving restraint or seclusion in accordance with law. Written notes shall be taken and a copy of the written notes shall be provided to the parent or guardian of the student.

The parent or guardian has the right to request another meeting in the event they were unable to attend the debriefing meeting scheduled to be held within two school days of the incident.

8. If serious bodily injury or death of a student occurs in relation to the use of restraint or seclusion:
 - a. Oral notification of the incident must be provided immediately to a parent or guardian of the student and to the Oregon Department of Human Services (DHS); and
 - b. Written notification of the incident must be provided to the Department of Human Services within 24 hours of the incident.
9. If serious bodily injury or death of a staff member occurs in relation to the use of restraint or seclusion, written notification of the incident must be provided to the superintendent within 24 hours of the incident, to the Superintendent of Public Instruction, and, or to the union representative for the affected person, if applicable.
10. The ESD shall maintain a record of each incident in which injuries or death occurs in relation to the use of restraint or seclusion.
11. The ESD, upon request from DHS regarding an investigation of an incident of restraint or seclusion as suspected child abuse, shall disclose any records preserved to DHS or its designee which are deemed relevant to the subject investigation, in its original format and without any alteration.

Restraint/seclusion as a part of a behavioral support plan in the student’s Individual Education Program (IEP) or section 504 plan.

1. Parent participation in the plan is required;
2. The IEP team that develops the behavioral support plan shall include knowledgeable and trained staff, including a behavioral specialist and a ESD representative who is familiar with the restraint training practices adopted by the ESD;
3. Prior to the implementation of any behavioral support plan that includes restraint and/or seclusion a functional behavioral assessment must be completed. The assessment plan must include an individual threshold for reviewing the plan;
4. When a behavior support plan includes restraint or seclusion the parents may be provided a copy of the ESD Physical Restraint or Seclusion policy at the time the plan is developed.

⁴ To the extent practicable without altering the meaning of the record, the ESD shall segregate or redact from such a record any personally identifiable information of other students before disclosure to the student’s parent or guardian. If the ESD is unable to segregate or redact personally identifiable information of other students without altering the meaning of the record, the ESD shall disclose the record to the student’s parent or guardian in its original format and without any alteration. “Disclose” means to inform the student’s parent or guardian that the record exists; that the record in its original format and without alteration will be available for review by the parent or guardian privately and in the debriefing meeting; and that a copy of the record will be provided to the student’s parent or guardian upon request in its original and unaltered format except to the extent that the redaction is needed to protect the personally identifiable information of another student. (ORS 339.294; OAR 581-021-0556(10))

5. If a student is involved in five incidents in a school year, the team, including a parent or guardian of the student, will form for the purpose of reviewing and revising the student's behavior plan and ensuring the provision of any necessary behavioral supports.

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

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

**As used in this policy, the term parent includes legal guardian or person in a parental relationship. The status and duties of a legal guardian are defined in ORS 125.005(4) and 125.300 – 125.325. The determination of whether an individual is acting in a parental relationship, for purposes of determining residency, depends on the evaluation of the factors listed in ORS 419B.373. The determination for other purposes depends on evaluation of those factors and a power of attorney executed pursuant to ORS 109.056. For special education students, parent also includes a surrogate parent, an adult student to who rights have been transferred and foster parent as defined in OAR 581-015-200.