

**RESTRAINT AND SECLUSION
RULES FOR OREGON:
REQUIREMENTS, PROCEDURES,
DATA COLLECTION AND MORE**

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HISTORY OF OREGON'S RESTRAINT AND SECLUSION ADMINISTRATIVE RULES

❖ 76th OREGON LEGISLATIVE ASSEMBLY, 2011 passed

House Bill 2939

<http://www.leg.state.or.us/11reg/measpdf/hb2900.dir/hb2939.en.pdf>

- ❖ Resulting in Provision in the Oregon Regulatory Statutes , January 1, 2012
 - Chapter 665, Oregon Laws 2011 (Enrolled House Bill 2939)
- ❖ Repealed OAR 581-021-0062
- ❖ Enacted OARs 581-021-0550, -0553, -0556, -0559, -0563 and -0566
- ❖ School Districts required to comply July 1, 2012

OAR 581-21-0550

Definitions

- ❖ Chemical Restraint
- ❖ Mechanical Restraint
- ❖ **Physical Restraint**: the restriction of a student's movements by one or more persons holding them.
- ❖ Prone Restraint
- ❖ Public Education Program
- ❖ **Seclusion**: the involuntary confinement of students *alone* in rooms from which *they are physically prevented from leaving*.
- ❖ Serious Bodily Injury

OAR 581-021-0553

Use of Physical Restraint & Seclusion in Public Education Programs

- ❖ **Chemical, Mechanical and Prone Restraint prohibited.**
- ❖ Allows for the **use of Physical Restraint and/or Seclusion** with students for the following:
 1. The behavior poses a threat to their safety or the safety of others (**imminent risk of serious bodily injury**), and
 2. **Other less restrictive methods** of controlling the behavior are **ineffective**.
- ❖ **Physical Restraint & Seclusion may not be used for discipline or punishment.**
- ❖ **May only be used until the emergency or crisis ends.**
- ❖ **Must be implemented by those who are trained.**
- ❖ **Requires ongoing, visual and continuous monitoring.**
- ❖ **Requires water and bathroom breaks** if occurs for more than 30 minutes; and
- ❖ **Administrator must provide written authorization** for it to continue;
- ❖ **Parent or guardian must be notified** by the end of the day of the incident.

OAR 581-021-0556

Programs' Procedures Regarding Use of Restraint & Seclusion

- ❖ **Policies and Procedures must be in place by school district/'public education program.'**
- ❖ **Verbal or electronic notification to parent by end of day; and**
- ❖ **Written notification within 24 hours.**
- ❖ **Debriefing meeting within two days; notes from meeting shared with parent or guardian if they are not present.**
- ❖ **Repeated use of Restraint/Seclusion results in revision of a student's behavior plan.**
- ❖ **Provisions if serious bodily injury or death occurs.**

OAR 581-021-0559

Reporting Requirements for the Use of ...


- ❖ The local entity in charge of public education program must prepare an Annual Report detailing the use of physical restraint and seclusion for the previous school year; and
- ❖ Make the report available to its constituents - the public, public education program, ESD and its component school districts, charter school, parents or guardians.
- ❖ Posted on Website and made available at Main Office.

OAR 581-021-0563

Approval of Physical Restraint and Seclusion Training Programs...

❖ The **ODE** shall compile and provide a list of approved training programs for school personnel, as well as monitor and update the list as needed, in physical restraint & seclusion that include the following:

1. Evidence-based techniques, preventive and safe.
2. Provide skills in de-escalation, conflict prevention, crisis response and positive behavior support.
3. Consistent with the training and policies provided by the Department of Human Services (Oregon Health Authority).



OAR 581-021-0566

Required Use of Approved Restraint and Seclusion Programs

- ❖ A public education program may only use a training program approved by the Oregon Department of Education.



WHERE OREGON STANDS COMPARED TO FEDERAL STANDARDS OF BEST PRACTICE (2012)

- ❖ Provides ‘Meaningful Protection’ [1/29]
- ❖ Defines ‘Seclusion’; student cannot exit (locked or blocked) [1/32]
- ❖ When ‘Less Intrusive Methods Ineffective’ [1/16] and
- ❖ Only until the ‘Emergency Ends’ [1/14]
- ❖ Prohibits Mechanical, Prone & Chemical Restraint [1/15 & 1/10]
- ❖ Notify the Parents Same Day of Incident [1/12]
- ❖ Data Collection [1/13]



OREGON IN COMPARISON CONTINUED

- ❖ Statute/Rules apply to All Children
- ❖ Debriefing – analyze, cause, triggers, plan, positive interventions
- ❖ Training Required [1/21]
 - Evidence-Based Practices
 - De-Escalation Training
 - Positive Behavior Supports
 - Prevention
 - (Conflict Resolution)

15 PRINCIPLES - USDE

1. *Prevent the Use of Restraint & Seclusion (De-Escalation training).*
2. *Never use Mechanical restraint, nor use Drugs or Medications.*
3. *Only where Student Poses Imminent Danger of Serious Physical Harm to Self or Others, and other Interventions Ineffective, and should be discontinued when Imminent Danger Dissipates.*
4. *Policies restricting use for All Children.*
5. *Students' Rights to be treated with Dignity.*

PRINCIPLES *CONTINUED*

6. *Never used as Punishment, Discipline, Coercion, Retaliation, Convenience.*
7. *Never used in Manner that Restricts Breathing (Prone Restraint).*
8. *Repeated Use should Triggers Review, Revise Plan, Implement Positive Behavioral Strategies.*
9. *Strategies address Underlying Cause or Purpose of Behavior.*
10. *Teachers/School Personnel Trained Regularly.*

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PRINCIPLES *CONTINUED*

11. Every incident *Carefully and Continuously Visually Monitored.*
12. *Parents* should be *Informed of Policies & applicable Laws.*
13. *Parents Notified as soon as possible* each incident.
14. *Policies Reviewed* regularly & *Updated* as appropriate.
15. Policies requiring *Documentation in Writing* and for *Data Collection* (Debriefing).

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SUMMARY

❖ Oregon is aligned with Federal Proposals, the 15 Principles and Best Practices

- “Keeping All Students Safe Act, S. 2020 (Sen. Harkin)

QUESTIONS & ANSWERS

