

Memorandum

PREPARED FOR: Representative Emily McIntire
DATE: December 19, 2025
BY: Legislative Policy and Research Office Staff
RE: Restraint and Seclusion in Public Schools



LPRO
LEGISLATIVE POLICY
AND RESEARCH OFFICE

This memorandum responds to your request for information about the use of restraint and seclusion in schools. Specifically, you asked for the current policy landscape in Oregon, data on the use of restraint and seclusion in Oregon schools, and a comparison to other states.

Summary

Oregon Law

Oregon law restricts the use of certain types of restraint and seclusion on public school students.¹ State law:

- defines restraint and seclusion;
- prohibits certain types of restraint and seclusion;
- prohibits the use of restraint and seclusion for discipline, punishment, retaliation, or convenience;
- outlines circumstances in which restraint and seclusion are allowed;
- requires staff training;
- prescribes procedures for schools to follow after a restraint or seclusion incident;
- requires notification to the Oregon Department of Human Services (ODHS) if a student is injured or dies;
- requires schools to keep records on restraint and seclusion incidents;
- requires a process for investigating complaints;
- prohibits the use of seclusion cells; and
- includes violations of these laws in the definition of abuse until 2028.

While these requirements apply to personnel in public schools, they do not apply to staff at youth correctional and juvenile detention facilities.

In 2023, as a result of [Senate Bill 790](#), the statutory definition of child abuse was temporarily expanded to include instances of restraint or seclusion of a student that violate the laws outlined above. This bill tasked ODHS with investigating incidents of wrongful restraint or seclusion in schools as abuse in addition to its existing investigatory portfolio.

¹ [ORS 339.285 to ORS 339.308 \(2023\)](#).

Oregon Data

The Oregon Department of Education (ODE) is tasked with collecting data on incidents of student restraint, seclusion, or both that take place in Oregon public schools. In the 2023–2024 school year, ODE recorded at least 4,439 such incidents. Of the incidents recorded in 2023–2024, 12 percent involved staff injuries and 2 percent involved student injuries. Each year since 2019, when ODE started tracking the data, restraint has been the most frequently occurring type of incident.

Allegations of wrongful restraint or wrongful involuntary seclusion are low compared to the total number of incidents reported by ODE. In the 2023–2024 school year, ODHS investigated 82 allegations of wrongful restraint and 3 allegations of wrongful involuntary seclusion; of those, the department substantiated 20 cases as abuse. Sixty-two unique individuals were investigated by ODHS, and of those, 16 individuals were substantiated for abuse.

Other States

LPRO selected four states for comparison: Louisiana, Massachusetts, New Hampshire, and Rhode Island. Comparison states were selected based on a 2019 assessment by the Autism National Committee that identifies Oregon and the comparison states as having the most restrictive conditions for the use of restraint and seclusion.² Each state establishes that restraint and seclusion are safety measures that school staff may utilize as a last resort when a student's behavior threatens imminent risk of harm.

Massachusetts and Rhode Island affirmatively protect school staff who act to protect themselves or others from imminent physical harm. School staff who use restraint or seclusion in other circumstances or who utilize inappropriate methods are not shielded from liability. Each state's mandatory reporter laws require the suspected abuse or neglect of a child to be reported to either a state agency or local law enforcement for investigation.

² Jessica Butler, "How Safe Is the Schoolhouse? An Analysis of State Seclusion and Restraint Laws and Policies," Autism National Committee, 2019, <https://www.autcom.org/pdf/HowSafeSchoolhouse.pdf>.



Oregon Law on the Use of Restraint and Seclusion in Schools

Definitions

For purposes of the policy on the use of restraint and seclusion in public education programs, the law provides the following definitions:

- **Public education program** refers to an early childhood, elementary, or secondary education program operated by a school district, education service district, or other entity that is funded by or supported by funds from ODE.³
- **Restraint** means restricting a student's actions or movements by holding or using pressure or other means. It does not include actions such as holding a student's hand, providing consensual physical assistance, or intervening physically with minimal force to break up a fight, interrupt a student's threatening or dangerous behavior, or protect oneself or someone else from assault, injury, or sexual contact.⁴
- **Seclusion** means involuntarily confining a student alone in a room from which the student is physically prevented from leaving. It does not include temporarily removing a student for a short time to let the student regain self-control if the student is not physically prevented from leaving that space.⁵
- **Serious bodily injury** means significant impairment of a person's physical condition, as determined by qualified medical personnel, that is either self-inflicted or inflicted by someone else.⁶
- **Chemical restraint** refers to a drug or medication used to control a student's behavior or restrict their freedom of movement. It does not include drugs or medication that are prescribed or administered according to a qualified medical professional's scope of practice to treat a student's health condition.⁷
- **Mechanical restraint** refers to a device that restricts a student's movement or normal function of a part of the student's body. It does not include a protective or stabilizing device ordered by a physician or a vehicle safety restraint such as a seat belt.⁸

³ [ORS 339.285\(1\) \(2023\)](#).

⁴ [ORS 339.285\(2\) \(2023\)](#).

⁵ [ORS 339.285\(3\) \(2023\)](#).

⁶ [ORS 339.285\(4\) \(2023\)](#).

⁷ [ORS 339.288\(2\)\(a\) \(2023\)](#).

⁸ [ORS 339.288\(2\)\(b\) \(2023\)](#).



- **Prone restraint** means holding a student face down on the floor.⁹
- **Supine restraint** means holding a student face up on the floor.¹⁰

The law outlines the circumstances and requirements that govern the use of restraint and seclusion in schools. It also expressly prohibits certain types of restraints and the use of seclusion cells. The law also requires Oregon's State Board of Education to adopt and maintain rules governing the use of seclusion rooms and develop a process to investigate complaints about violations of the law.¹¹

Under current law, education program staff are allowed to use restraint on a student 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."¹² Similarly, staff may use seclusion if "a 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."¹³ In both cases, the restraint or seclusion must be continuously monitored by program staff, used only for as long as the student's behavior poses such a risk, and performed by staff who have been trained through [ODE-approved programs](#), except in cases of unforeseen emergency.¹⁴ In addition, if restraint or seclusion lasts for more than 30 minutes, program staff must provide the student with water and bathroom access at half-hour intervals, program staff must attempt to notify the student's parent or guardian, and administrators must continuously give written authorization to extend the length of restraint or seclusion at 15-minute intervals.¹⁵

The law prohibits program staff from using restraint or seclusion for discipline, punishment, retaliation, or convenience.¹⁶ It also explicitly prohibits program staff from using chemical, mechanical, prone, or supine restraints on students as well as any action designed to primarily cause pain.¹⁷

In addition, staff are prohibited from imposing any restraint that:

- intentionally involves a solid object, such as a wall or floor, to impede a student's movement, unless it is necessary to prevent an imminent life-threatening injury or to gain control of a weapon;¹⁸

⁹ [ORS 339.288\(2\)\(c\) \(2023\)](#).

¹⁰ [ORS 339.288\(2\)\(d\) \(2023\)](#).

¹¹ [ORS 339.303 \(2023\)](#); [OAR 581-021-0550-0570](#).

¹² [ORS 339.291\(2\)\(a\) \(2023\)](#).

¹³ [ORS 339.291\(2\)\(b\) \(2023\)](#).

¹⁴ [ORS 339.291\(3\) \(2023\)](#).

¹⁵ [ORS 339.291\(4\) \(2023\)](#).

¹⁶ [ORS 339.291\(1\) \(2023\)](#).

¹⁷ [ORS 339.288\(1\)\(a\)–\(d\) \(2023\)](#); and [ORS 339.288\(1\)\(k\) \(2023\)](#).

¹⁸ [ORS 339.288\(1\)\(e\) \(2023\)](#).



- places or could place pressure on a student's neck, throat, or mouth, except to extract a body part from a bite;¹⁹
- impedes or could impede a student's breathing;²⁰
- involves intentionally placing hands, feet, elbows, knees, or any object on a student's neck, throat, genitals, or other intimate body parts;²¹ and
- involves a staff member pressing their knee, foot, or elbow bone on a student's stomach or back.²²

Training Requirements

As described above, only program staff who have been trained through [ODE-approved programs](#) may impose restraint or seclusion on a student, except in emergency situations.²³ The law requires ODE to approve training programs that teach evidence-based techniques that have been shown to be effective in the prevention and safe use of restraint and seclusion; provide evidence-based skills related to positive behavior support, conflict prevention, de-escalation, and crisis response techniques; and are otherwise consistent with policy set forth by ODHS.²⁴ ODE requires staff to undergo annual training based on [five approved training programs](#).²⁵ ODE also publishes a [comprehensive guidance document](#) for public education programs.

Because the law only allows for trained staff to impose restraint or seclusion, it prescribes additional requirements if restraint or seclusion are applied by untrained staff. Following an incident, the law requires public education programs to document the training status of the person who imposed the restraint or seclusion. Programs must notify the student's parent or guardian and the district superintendent about the details of the incident, including whether or not the person who imposed the restraint or seclusion was untrained.²⁶ Programs must also detail the number of incidents in which an untrained person imposed restraint or seclusion in annual reports to ODE.²⁷

Additionally, [Senate Bill 790 \(2023\)](#) created temporary provisions related to ODHS abuse investigations into incidents that involve alleged wrongful restraint or seclusion of a student. These provisions took effect in 2023 and will sunset in 2028. ODHS is currently prohibited from substantiating abuse allegations against public education program staff who impose restraint while lacking the required training if: (1) a restraint is

¹⁹ [ORS 339.288\(1\)\(f\)–\(g\) \(2023\)](#).

²⁰ [ORS 339.288\(1\)\(h\) \(2023\)](#).

²¹ [ORS 339.288\(1\)\(i\) \(2023\)](#).

²² [ORS 339.288\(1\)\(j\) \(2023\)](#).

²³ [ORS 339.291\(3\)\(b\) \(2023\)](#).

²⁴ [ORS 339.300 \(2023\)](#).

²⁵ [OAR 581-021-0563](#); and [OAR 581-021-0566](#).

²⁶ [ORS 339.294\(2\)–\(3\) \(2023\)](#).

²⁷ [ORS 339.297\(1\)\(i\) \(2023\)](#).



in response to an imminent risk of serious bodily injury; (2) a person does not act with reckless disregard for student safety; and (3) a restraint does not impede the student's breathing.²⁸ SB 790 also authorized ODHS to find that a public education program, rather than an individual staff person, is responsible for abuse in cases involving insufficient restraint and seclusion training for program staff, particularly in relation to students with individualized education programs (IEPs), 504 plans, or behavior intervention plans.²⁹

Procedures for Education Providers

The law requires each public education program to establish procedures to respond to restraint and seclusion incidents.³⁰ First, the education program must notify the student's parent or guardian by the end of the school day and provide follow-up written documentation within 24 hours that includes a detailed description of the incident's circumstances, the student's behavior that led to the incident, the attempts to de-escalate the situation and considered alternatives, the names of the staff involved, and a description of the training status of those staff.³¹

Parents or guardians must also be notified of their right to attend a debriefing meeting and of the existence of any audio or video recordings of the incident. Within two school days, a debriefing meeting that includes all relevant staff must convene, and written records of that meeting must be made available to the parent or guardian.³² If a student is involved in five or more incidents, a special team must be appointed to review and revise the student's behavior plan to ensure access to necessary supports.³³ Public education programs must keep a record of each incident that results in serious injury or death.³⁴ If a student is seriously injured or killed during an incident, ODHS and the student's parent or guardian must be immediately notified, and if staff are injured or killed, written notice must be provided to the Superintendent of Public Instruction and the staff union representative.³⁵

[Senate Bill 1024 \(2023\)](#) established additional requirements for education programs to preserve and maintain audio and video recordings of such incidents. The records may not be destroyed and must be reviewed during debriefing meetings.³⁶ A student's parent or guardian is entitled to review the records with minimal redaction.³⁷ ODHS abuse

²⁸ [Section 8, chapter 581, Oregon Laws 2023](#).

²⁹ [ORS 339.296 \(2023\)](#).

³⁰ [ORS 339.294 \(2023\)](#).

³¹ [ORS 339.294\(2\)–\(3\) \(2023\)](#).

³² [ORS 339.294\(4\) \(2023\)](#).

³³ [ORS 339.294\(5\) \(2023\)](#).

³⁴ [ORS 339.294\(8\) \(2023\)](#).

³⁵ [ORS 339.294\(6\)–\(7\) \(2023\)](#).

³⁶ [ORS 339.294\(9\) \(2023\)](#).

³⁷ [ORS 339.294\(10\)\(a\) \(2023\)](#).



investigators are entitled to review unredacted records.³⁸ Per [Senate Bill 901 \(2023\)](#), ODHS has the authority to issue subpoenas to compel the production of relevant records during child abuse investigations, if necessary.³⁹

Abuse Investigations

In 2023, [SB 790](#) temporarily expanded the statutory definition of child abuse to include restraint or seclusion of a student in violation of the law outlined in ORS chapter 339 until June 30, 2028. The measure also included the infliction of corporal punishment in the definition of abuse. This legislative change empowered ODHS to investigate incidents in which the law was not followed, such as the use of a prohibited type of restraint or unmonitored seclusion, as possible child abuse. Under specific circumstances, ODHS may not substantiate an abuse allegation against staff who lack training in restraint and seclusion and may instead find the public education program at fault for failing to adequately train its staff.⁴⁰

The Office of Training, Investigations and Safety (OTIS) is the branch of ODHS that investigates screened-in reports of abuse in schools, child care facilities, foster homes, and residential care facilities.⁴¹ OTIS maintains a set of [online dashboards](#) that track the number of investigations each year by type and final disposition.

As outlined in [ORS chapter 419B](#), ODHS works with law enforcement and other state and local partners when responding to allegations of child abuse committed by any person. School personnel, as “public or private officials,” are required by law to report all instances of suspected child abuse, including improper restraint or seclusion.⁴² When ODHS receives a report through its centralized abuse reporting system, the report is screened for criteria and cross-reported to law enforcement agencies, which may choose to pursue a separate criminal investigation; reports made to law enforcement are also cross-reported to ODHS.⁴³ By law, ODHS or law enforcement must investigate all reports of abuse involving school personnel and students. Investigations must also involve collaboration between ODHS and either ODE or the Teacher Standards and Practices Commission (TSPC), which both perform their own investigations.⁴⁴

The law guarantees OTIS investigators and law enforcement agencies access to school grounds to interview the alleged victim, respondent, and any relevant witnesses and requires school administrators to cooperate with the investigation.⁴⁵ ODHS may issue

³⁸ [ORS 339.294\(10\)\(b\) \(2023\)](#).

³⁹ [ORS 419B.029 \(2023\)](#).

⁴⁰ [Section 8, chapter 581, Oregon Laws 2023](#); and [ORS 339.296 \(2023\)](#).

⁴¹ [OAR 413-015-0215](#).

⁴² [ORS 419B.005\(6\)\(c\) \(2023\)](#); and [ORS 419B.010 \(2023\)](#).

⁴³ [ORS 418.190 \(2023\)](#); [ORS 419B.015 et seq. \(2023\)](#); and [OAR 419-230-0140](#).

⁴⁴ [ORS 419B.019 to ORS 419B.020 \(2023\)](#); and [ORS 339.389 to ORS 339.391 \(2023\)](#).

⁴⁵ [ORS 419B.045 \(2023\)](#).



subpoenas for relevant records during an investigation.⁴⁶ Additionally, school personnel must inform investigators if the alleged victim has a disability, in order to share records with Disability Rights Oregon (DRO).⁴⁷ If the alleged victim is believed to be a Tribal member, that Tribe must be contacted and included in the process as required under the [Oregon Indian Child Welfare Act \(ORICWA\)](#).⁴⁸

Investigators follow an investigation procedure that involves: (1) cooperation with law enforcement and other relevant entities; (2) interviews with alleged victims, respondents, and witnesses; and (3) collection of material evidence, including visiting sites, taking photographs, and reviewing prior relevant records.⁴⁹ Respondents and other individuals may decline to be interviewed, although investigators must make multiple attempts and note a respondent's refusal in the final report.⁵⁰

The investigation culminates in the investigator's determination and a final report that details the investigator's process and reasoning for that determination.⁵¹ The investigator must complete the investigation and issue a final report within 60 days of the date the report was assigned for investigation, unless an extension is approved.⁵² The investigator must determine, based on the evidence gathered, whether there is **reasonable cause to believe** that abuse has occurred.⁵³ The investigator must decide from three outcomes:

- **founded**, meaning the investigator has reasonable cause to believe that the alleged abuse occurred;
- **unfounded**, meaning there is no evidence that the alleged abuse occurred; or
- **unable to determine**, meaning there is conflicting evidence, insufficient evidence, or the investigator could not locate the alleged victim.⁵⁴

If the investigator determines that improper restraint or seclusion in a school setting warrants a founded determination of abuse, the investigator must also determine whether the public education program is responsible for the abuse, as provided under [SB 790](#).⁵⁵ This may happen if any of the following are true:

⁴⁶ [ORS 419B.029 \(2023\)](#).

⁴⁷ [ORS 419B.045\(7\) \(2023\)](#); [ORS 419B.035\(1\)\(k\) \(2023\)](#); [OAR 419-230-0140\(6\)\(c\)](#); and [OAR 419-230-0190\(8\)\(c\)](#).

⁴⁸ [OAR 419-230-0120\(2\)\(d\)](#); [OAR 419-230-0140\(6\)\(b\)](#); [OAR 419-230-0150\(4\)](#); [OAR 419-230-0190\(8\)\(b\)](#); and [OAR 413-115-0000 et seq.](#)

⁴⁹ [OAR 419-230-0150](#).

⁵⁰ [OAR 419-230-0150\(5\)\(c\)](#).

⁵¹ [OAR 419-230-0180](#).

⁵² [OAR 419-230-0180\(1\)](#).

⁵³ [OAR 419-230-0170\(1\)\(a\)](#).

⁵⁴ [OAR 419-230-0170\(1\)\(b\)](#).

⁵⁵ [OAR 419-230-0173](#); and [ORS 339.296 \(2023\)](#).



- the public education program failed to ensure that there were enough adequately trained staff to comply with students' IEPs, 504 plans, or behavior intervention plans;
- the public education program failed to provide staff with access to students' IEPs, 504 plans, or behavior intervention plans or provide training on appropriate health-related or personal care tasks, and the staff were not aware of such plans;
- the staff involved in the incident were ordered to impose the restraint or seclusion by a superior and they reasonably believed that failure to do so would result in termination or discipline; or
- the public education program failed to appropriately train the staff involved in the incident, the staff reasonably believed that their actions would result in serious bodily injury to another student, and the restraint imposed on the student was not prohibited.⁵⁶

Additionally, an investigator may not issue a founded determination against untrained school personnel who impose restraint on a student in response to an imminent risk of serious bodily injury to a person, as long as the restraint is not reckless and does not impede the student's breathing.⁵⁷ However, a founded determination may be issued against the public education program if it failed to provide its staff with adequate training.⁵⁸

At the conclusion of an investigation, OTIS will notify the person who reported the alleged abuse, the alleged victim's legal guardian, and the respondent about the outcome.⁵⁹ OTIS will also notify and send unredacted copies of the report to law enforcement, the education provider, and other entities as needed, including ODE, TSPC, the alleged victim's Tribe, DRO, and other state agencies. If the determination is founded, the respondent and their attorney will each receive a Notice of Abuse Determination by mail that describes the respondent's right to a [contested case hearing](#) under [ORS chapter 183](#) and how to request a redacted copy of the investigator's report.⁶⁰ Apart from these notifications and subsequent administrative or criminal proceedings, information on abuse reports and investigations are considered confidential records under [ORS 419B.035](#).

Upcoming Changes

As described above, the provisions of SB 790 regarding restraint and seclusion in schools are temporary, applying to incidents that occur between July 1, 2023, and June 30, 2028. Beginning on July 1, 2028, ODHS will no longer be required to investigate

⁵⁶ [OAR 419-230-0173\(1\)](#).

⁵⁷ [Section 8, chapter 581, Oregon Laws 2023](#); and [OAR 419-230-0173\(2\)](#).

⁵⁸ [OAR 419-230-0173\(3\)](#).

⁵⁹ [OAR 419-230-0190](#).

⁶⁰ [OAR 419-230-0190\(4\)](#).



incidents of improper restraint or seclusion of a student as suspected child abuse.⁶¹ ODHS will retain responsibility for investigating all other types of child abuse, including corporal punishment, that are reported to have been committed by any alleged perpetrator.

In 2024, the legislature enacted [House Bill 4086 \(2024\)](#), which directed ODHS to engage with a private facilitator to study the scope of the state's child abuse laws. [The study](#), completed in September 2025, identifies gaps or duplication of work in responding to reported abuse and shares national best practices on jurisdiction, investigations, multidisciplinary teams, and due process. A [separate committee](#) studied policy options for addressing children with problematic sexual behaviors. A [preliminary report](#) from both committees was presented to the House Interim Committee on Early Childhood and Human Services on [September 23, 2024](#).

Use of Restraint and Seclusion in Oregon Schools

This memorandum analyzes the ODE public dataset on restraint and seclusion incidents in schools. Collection for this dataset began during the 2019–2020 school year, with the most recent data collected during the 2023–2024 school year.

School districts are required to report restraint and seclusion incidents to ODE.⁶² ODE shares the data at the school district level but suppresses the counts when a district has one to five of an incident or student type.

Of Oregon's 197 school districts, about half (99 districts) reported **any type of restraint and/or seclusion incident** during the 2023–2024 school year. Since the 2019–2020 school year, the number of districts reporting such incidents has consistently been in the high 90s, excepting a dip to 69 districts during the 2020–2021 school year.

The number of school districts reporting **restraint incidents** has followed a similar pattern to total incidents, remaining in the high 90s other than a dip during the 2020–2021 school year, as seen in Figure 1.

The number of school districts reporting **seclusion incidents** has increased, with 30 districts (15 percent) reporting such incidents in 2019–2020 and 66 districts (34 percent) reporting such incidents in 2023–2024.

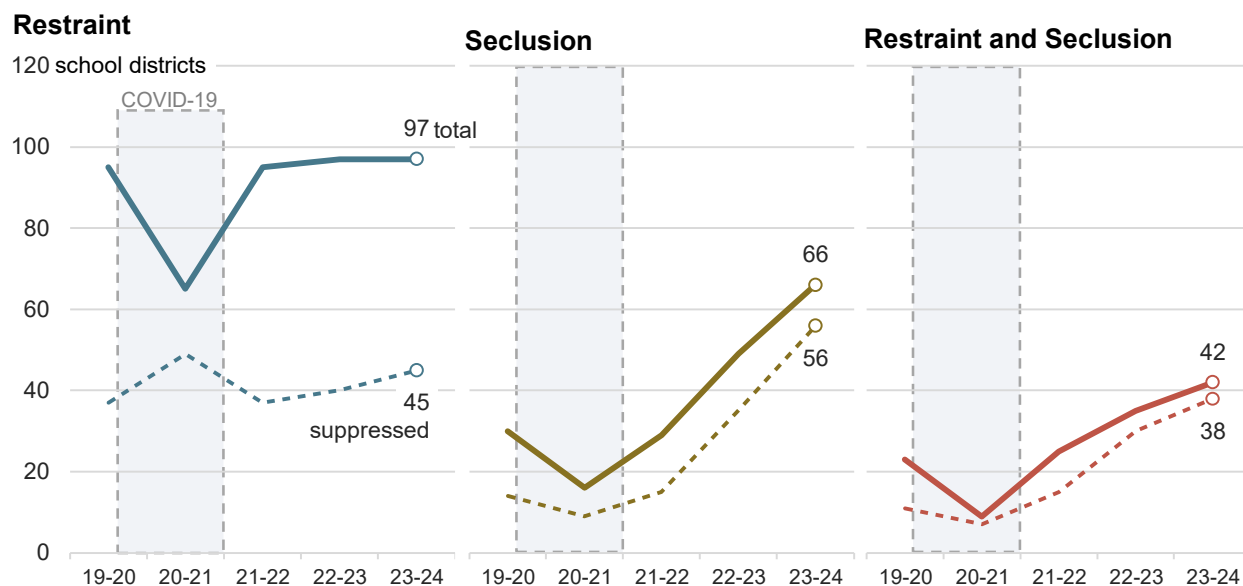
The number of school districts reporting **restraint and seclusion incidents** has also increased, from 23 districts (12 percent) in 2019–2020 to 42 districts (21 percent) in 2023–2024.

⁶¹ [Sections 12-14, chapter 581, Oregon Laws 2023](#).

⁶² [OAR 581-022-2267](#).



Figure 1. Number of School Districts Reporting Restraint and/or Seclusion Incidents, 2019–2020 to 2023–2024



Source: Legislative Policy and Research Office

Data: [Oregon Department of Education Restraint/Seclusion Media Files, 2019-2020 to 2023-2024](#)

Note: School district data is suppressed when the district has fewer than six of the incident type.

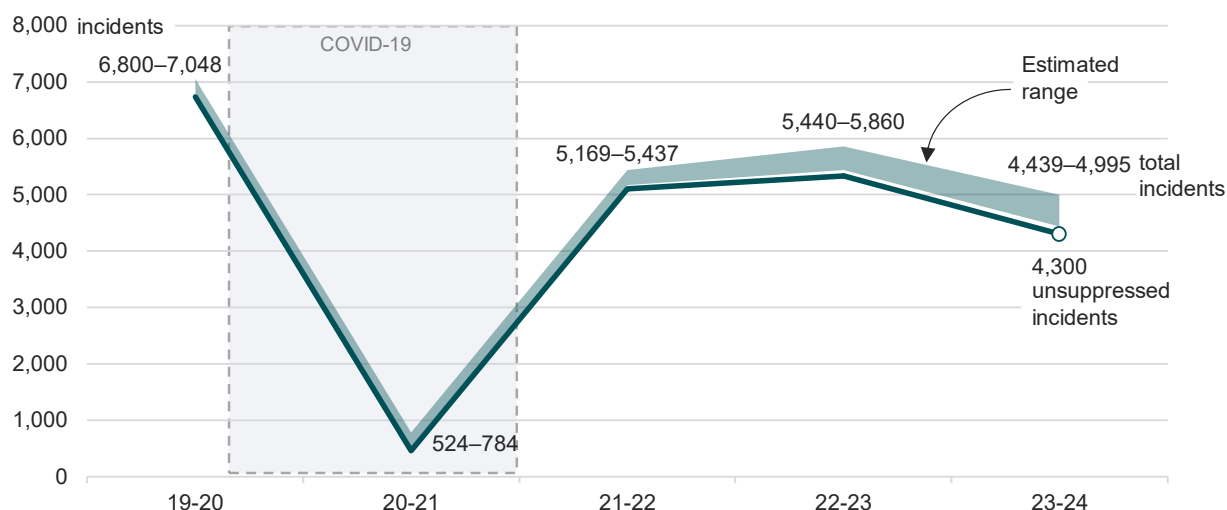
The number of school districts with incidents suppressed in the data increased across all incident types between 2019–2020 and 2023–2024. Of the districts reporting restraint incidents in 2023–2024, 46 percent were suppressed (an increase of 7 percentage points from 2019–2020). Of the districts reporting seclusion incidents in 2023–2024, 85 percent were suppressed (an increase of 38 percentage points from 2019–2020). Of the districts reporting restraint and seclusion incidents in 2023–2024, 90 percent were suppressed (an increase of 43 percentage points from 2019–2020).

Characteristics of Restraint and Seclusion Incidents

Estimates using ranges for suppressed data are included in this analysis to provide a more complete account of restraint and seclusion incidents statewide. To maintain confidentiality, ODE suppresses district data for districts that have one to five incidents of any type. This is represented in the data with an asterisk (*). To provide an estimate of the total incidents statewide, including districts with suppressed data, LPRO analysts calculated a range. To calculate the low end of the range, analysts added one incident for each suppressed district to the unsuppressed incident count. To calculate the high end of the range, analysts added five incidents for each suppressed district to the unsuppressed incident count.

In the 2023–2024 school year, there were 4,439–4,995 total incidents (4,300 unsuppressed incidents). This is a decrease from 6,800–7,048 total incidents (6,738 unsuppressed incidents) in 2019–2020. Figure 2 shows the change in the number of incidents over time.

Figure 2. Total Incidents, 2019–2020 to 2023–2024



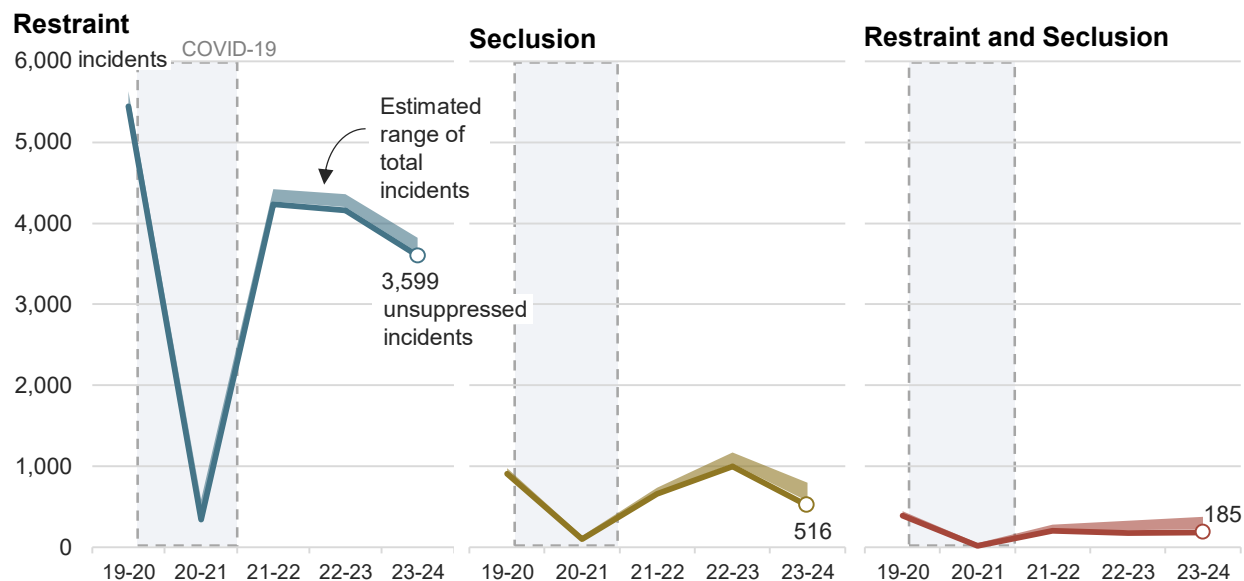
Source: Legislative Policy and Research Office

Data: [Oregon Department of Education Restraint/Seclusion Media Files, 2019-2020 to 2023-2024](#)

Note: School district data is suppressed when the district has fewer than six of the incident type.

Restraint incidents are the most common, followed by seclusion incidents and incidents that involved both restraint and seclusion. All incident types decreased from 2019–2020 to 2023–2024. Unsuppressed restraint incidents decreased 34 percent, seclusion incidents 43 percent, and restraint and seclusion incidents 53 percent.

Figure 3. Incidents by Type, 2019–2020 to 2023–2024



Source: Legislative Policy and Research Office

Data: [Oregon Department of Education Restraint/Seclusion Media Files, 2019-2020 to 2023-2024](#)

Note: School district data is suppressed when the district has fewer than six of the incident type.

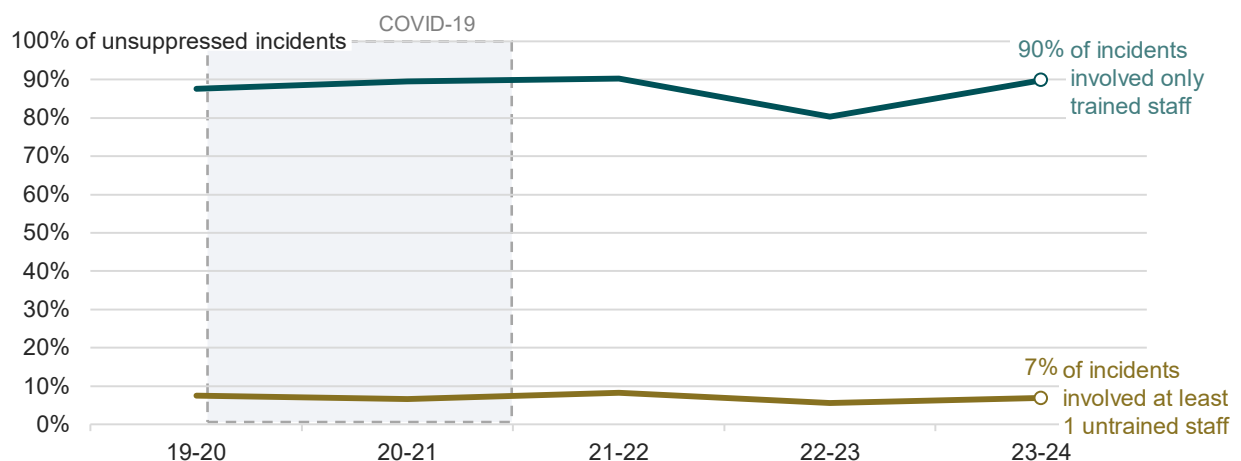


The unsuppressed number of students who were restrained, secluded, or both is smaller than the number of unsuppressed incidents but follows a similar pattern over time. During the 2023–2024 school year, 1,014 students were restrained, 156 students were secluded, and 59 students were restrained and secluded.

The unsuppressed number of students who were restrained, secluded, or both more than 11 times in a single school year decreased from 123 in 2019–2020 to 60 in 2023–2024. The unsuppressed percentage of special education students who were restrained, secluded, or both remained consistent at 1 percent from 2019–2020 through 2023–2024, excepting a dip to 0 percent in 2020–2021.

The unsuppressed number of incidents involving at least one untrained staff member decreased from 507 in 2019–2020 to 294 in 2023–2024. However, the percentage of unsuppressed incidents involving at least one untrained staff member remained relatively consistent, at 5–8 percent between the 2019–2020 and 2023–2024 school years.

Figure 4. Trained and Untrained Staff Involved in Incidents, 2019–2020 to 2023–2024



Source: Legislative Policy and Research Office

Data: [Oregon Department of Education Restraint/Seclusion Media Files, 2019-2020 to 2023-2024](#)

Note: School district data is suppressed when the district has fewer than six of the incident type. Only unsuppressed data is represented in this figure. The percent of incidents involving only trained staff and percent of incidents involving at least one untrained staff member do not total 100 percent due to underreporting in the data.

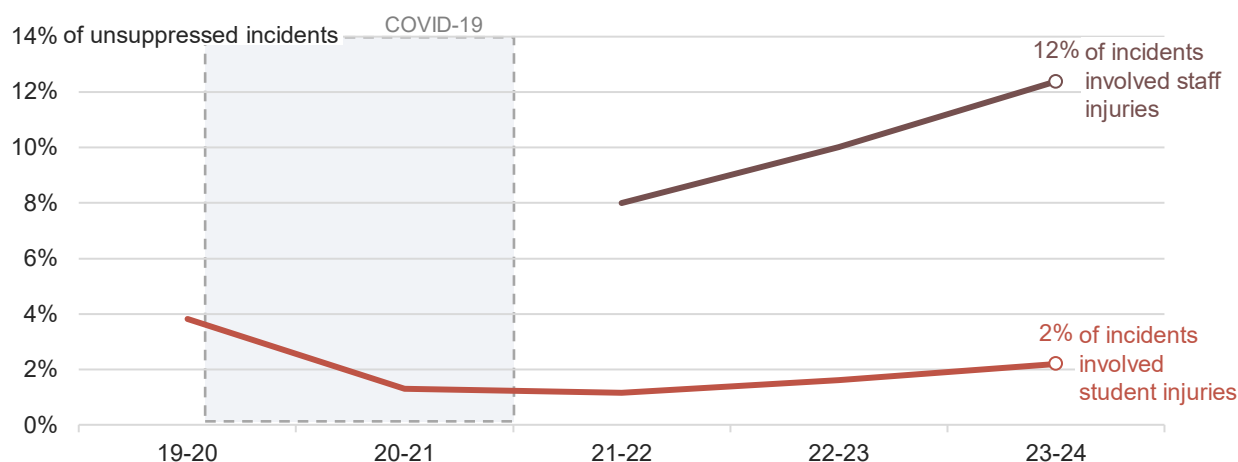
Student and Staff Injuries

ODE collected data on student injuries related to restraint and seclusion for all school years between 2019–2020 and 2023–2024. ODE began collecting staff injury data in the 2021–2022 school year. The unsuppressed number of student injuries decreased

from 257 in 2019–2020 to 95 in 2023–2024 and the unsuppressed number of staff injuries increased from 408 in 2021–2022 to 532 in 2023–2024.⁶³

The percentage of unsuppressed incidents involving student injuries decreased from 4 percent in 2019–2020 to 2 percent in 2023–2024. The percentage of unsuppressed incidents involving staff injuries increased from 8 percent in 2019–2020 to 12 percent in 2023–2024.

Figure 5. Incidents Involving Injuries, 2019–2020 to 2023–2024



Source: Legislative Policy and Research Office

Data: [Oregon Department of Education Restraint/Seclusion Media Files, 2019-2020 to 2023-2024](#)

Note: School district data is suppressed when the district has fewer than six of the incident type. Only unsuppressed data is represented in this figure.

Abuse Investigations

Allegations of wrongful restraint or wrongful involuntary seclusion are low compared to the total number of incidents recorded by ODE. According to [the data dashboard](#) maintained by the Office of Training, Investigations, and Safety (OTIS), ODHS investigated 82 allegations of wrongful restraint that occurred during the 2023–2024 school year and substantiated 20 as abuse. ODHS also investigated three allegations of wrongful involuntary seclusion during the same school year, but none were substantiated as abuse. Among these wrongful restraint and seclusion allegations, 62 unique individuals were investigated and 16 of them were substantiated for abuse.⁶⁴

⁶³ [OAR 581-021-0550](#) defines two injury categories. “Serious bodily injury” is a significant physical impairment, as determined by qualified medical personnel, whether self-inflicted or inflicted by someone else. “Substantial physical or bodily injury” is a physical impairment that requires some form of medical treatment. Due to low counts, the two categories were combined to a single category for the analysis in this memo.

⁶⁴ The OTIS dashboard reports abuse allegations for each quarter by calendar year. LPRO calculated allegations for the 2023–2024 school year using the reported allegations for quarters 3 and 4 in 2023 and quarters 1 and 2 in 2024.

Other States

This section provides responses to the six questions you posed regarding the use of restraint and seclusion in other states. LPRO selected four states for comparison: Louisiana, Massachusetts, New Hampshire, and Rhode Island. Comparison states were selected based on a 2019 assessment by the Autism National Committee that identifies Oregon and the comparison states as having the most restrictive conditions for the use of restraint and seclusion.⁶⁵ Table 1 (page 17) provides references and summarizes prohibitions, conditions for use, and investigation procedures for Louisiana, Massachusetts, New Hampshire, and Rhode Island.

What Types of Restraint and Seclusion Are Prohibited in School Settings?

Each state establishes prohibitions designed to protect students.

- Louisiana and Massachusetts prohibit **mechanical restraint**, defined as the use of any physical device or equipment to restrict a student's freedom of movement. New Hampshire allows mechanical restraint only during transportation.
- Massachusetts and New Hampshire prohibit **medical restraint**, defined as the administration of medicine to control behavior.
- New Hampshire and Rhode Island prohibit **prone restraint** in which a student is placed face down on the floor or another surface and pressure is applied to the student.
- Louisiana, New Hampshire, and Rhode Island prohibit other forms of restraint that could harm a student.
- Massachusetts currently prohibits **seclusion**. New rules effective in August 2026 allow seclusion under limited circumstances.

Which States Have the Highest/Lowest Incidence of Restraint and Seclusion?

Differences in state policies makes it difficult to compare the frequency of restraint and seclusion incidents across states. The Office for Civil Rights in the U.S. Department of Education (USDOE) addresses this through a biennial data collection that standardizes the definition of restraint and seclusion; however, the usefulness of the data is limited for several reasons.⁶⁶

First, a 2020 study by the U.S. Government Accountability Office found quality control processes are insufficient for detecting errors in states' reporting of restraint and seclusion data, resulting in a number of issues, including the under- and over-reporting

⁶⁵ Jessica Butler, "How Safe Is the Schoolhouse? An Analysis of State Seclusion and Restraint Laws and Policies," Autism National Committee, 2019, <https://www.autcom.org/pdf/HowSafeSchoolhouse.pdf>, 45.

⁶⁶ U.S. Department of Education, *Office for Civil Rights: 2021-22 Civil Rights Data Collection School Survey Form*, accessed December 12, 2025, <https://civilrightsdata.ed.gov/data>.



of incidents.⁶⁷ Second, the USDOE has delayed the publication of data for recent school years, last publishing this data for the 2020–2021 school year. As a result, the data might not reflect recent changes in states’ restraint and seclusion laws.

Are School Employees Imposing Restraint and/or Seclusion Exempted From or Included in States’ Definitions of Abuse?

Each state establishes that restraint and seclusion are safety measures that school staff may utilize as a last resort when a student’s behavior threatens imminent risk of harm. Massachusetts and Rhode Island affirmatively protect school staff who act to protect themselves or others from imminent physical harm.

School staff who use restraint or seclusion in other circumstances or who utilize inappropriate methods are not shielded from liability. Each state’s mandatory reporter laws require the suspected abuse or neglect of a child to be reported to either a state agency or local law enforcement for investigation.

Who Investigates School Employees for Alleged Abuse?

Investigation requirements vary by state. See Table 1 for investigative requirements by state.

Is the Accused Person Put on Administrative Leave?

None of the states reviewed establishes requirements related to administrative leave while the use of restraint or seclusion is investigated.

What Is the Turnaround Time for Investigations?

New Hampshire requires valid complaints filed with the Department of Education regarding seclusion or restraint to be investigated within 30 days of filing. Louisiana, Massachusetts, and Rhode Island are silent on timelines for investigation.

⁶⁷ U.S. Government Accountability Office, *K-12 Education: Education Needs to Address Significant Quality Issues with its Restraint and Seclusion Data*, GAO-20-345 (Washington, D.C.: April 21, 2020), <https://www.gao.gov/products/gao-20-345>.



Table 1. Restraint and Seclusion Requirements for Louisiana, Massachusetts, New Hampshire, and Rhode Island

Statutes, Laws, and Other Resources	Prohibited Methods	Conditions for Use	Investigations
<p>Louisiana</p> <p>Statutes:</p> <ul style="list-style-type: none"> • La. Stat. tit. 17 sects. 17:7, and 17:416.18 • La. Stat. tit. 14 sects. 14:93, 14:93.2.3, and 14:328 <p>Rules:</p> <ul style="list-style-type: none"> • La. Admin. Code tit. 28 sects. 540–608 <p>Other Resources:</p> <ul style="list-style-type: none"> • 2024 Legislative Audit Report 	<ul style="list-style-type: none"> • Mechanical restraint • Physical restraints that place excessive pressure on the chest or back or that cause asphyxia 	<ul style="list-style-type: none"> • Restraint and seclusion are a last resort when a student’s behavior threatens imminent risk of harm. • A student experiencing restraint or seclusion must be monitored continuously and released as soon as possible. 	<ul style="list-style-type: none"> • All incidents must be reported to Louisiana’s Department of Education. • State law is silent on time frames for investigations and the use of administrative leave during investigations. • School staff must immediately report abuse or neglect to local law enforcement for investigation.



Statutes, Laws, and Other Resources	Prohibited Methods	Conditions for Use	Investigations
Massachusetts Statutes: <ul style="list-style-type: none"> • Mass. Gen. Laws c. 71 sect. 37G • Mass. Gen. Laws c. 119 sects. 21 and 51A Rules: <ul style="list-style-type: none"> • 603 C.M.R. 18.00 et seq. and 46.00 • New rules effective in August 2026 	<ul style="list-style-type: none"> • Mechanical restraint • Medication restraint • Seclusion (new rules effective in August 2026 allow seclusion under limited circumstances) 	<ul style="list-style-type: none"> • Physical restraint is an emergency procedure of last resort used only by trained personnel to protect people from assault or imminent, serious, physical harm. • School staff may act to protect themselves or others from assault or imminent, serious, physical harm. 	<ul style="list-style-type: none"> • Each school must have a procedure for receiving and investigating complaints regarding restraint practices. • Any incident must be documented and reviewed by the school and reported to Massachusetts' Department of Elementary and Secondary Education. • State law is silent on time frames for investigations and the use of administrative leave during investigations. • School staff must report abuse or neglect of a child to the state's Department of Children and Families and may report incidents to local law enforcement.



Statutes, Laws, and Other Resources	Prohibited Methods	Conditions for Use	Investigations
New Hampshire Statutes: <ul style="list-style-type: none"> • N.H. Stat. ch. 126-U • N.H. Stat. ch. 169-C Rules: <ul style="list-style-type: none"> • N.H. Admin. R. Ed 1100 • N.H. Admin. R. Ed 1200 	<ul style="list-style-type: none"> • Prone restraint • Medication restraint • Mechanical restraint outside of transportation • Restraint techniques that endanger a student's life or significantly exacerbate a student's medical condition 	<ul style="list-style-type: none"> • Restraint or seclusion may only be used when a student's behavior poses a substantial imminent risk of physical harm. 	<ul style="list-style-type: none"> • New Hampshire's Departments of Education and Health and Human Services receive and investigate complaints about the use of restraint or seclusion. • Valid complaints filed with the state's Department of Education must be investigated within 30 days of filing and may result in remedial measures including disciplinary proceedings against the credentials of school staff. • State law is silent on the use of administrative leave during investigations. • School staff must report suspected abuse and neglect of a child to the state's Department of Health and Human Services. Suspected crimes must be referred to local law enforcement and the county attorney.



Statutes, Laws, and Other Resources	Prohibited Methods	Conditions for Use	Investigations
Rhode Island Statutes: <ul style="list-style-type: none"> • R.I. Stat. sect. 42-158 • R.I. Stat. sect. 40-11-3 Rules: <ul style="list-style-type: none"> • 200-RICR-20-30-2 	<ul style="list-style-type: none"> • Prone restraint • Methods likely to cause physical pain or that deprive the restrained individual of one or more of their senses 	<ul style="list-style-type: none"> • Restraint may only be used as a crisis intervention to prevent harm or injury when non-physical interventions would not be effective. • Restraint and seclusion must only be administered by trained personnel. • School staff may use reasonable force to protect students, other people, or themselves from imminent, serious, physical harm. 	<ul style="list-style-type: none"> • Each school must develop policies and procedures, including monitoring, documenting, reporting, and conducting internal reviews of the use of restraint. • State law is silent on time frames for investigations and the use of administrative leave during investigations. • Any person must report abuse or neglect of a child to Rhode Island's Department of Children, Youth and Families within 24 hours for immediate investigation.

Source: Legislative Policy and Research Office

Data: Various sources, hyperlinked

