Physical Restraint and Seclusion Training

Beaverton School District
New Oregon Law

• A general education law.
• Applies to all students: general education and special education students.
• Went into effect July 1, 2012.
Structure of this Presentation

1. **Definitions** of Restraint and Seclusion
2. **When** Restraint and Seclusion May Be Used and **By Whom**
3. **Procedures When** Using Restraint and Seclusion
5. **Review of Forms**
6. **Reporting** and **Document Submission**
Definitions

What do these terms mean and what don’t they mean?

• Physical Restraint

• Seclusion
Definition of Physical Restraint

"Physical restraint" means:
The restriction of a student’s movements by one or more persons:
1. Holding the student or
2. Applying physical pressure upon the student.
What Physical Restraint Does Not Mean

“Physical restraint” does not mean:

The touching or holding of a student without the use of force for the purpose of directing the student or assisting the student in completing a task or activity.
Prohibited Restraints

Oregon law prohibits the following three restraints:

1. **Prone Restraint** – restraint in which a student is held face down on the floor.

2. **Chemical Restraint** – drug or medication used to control behavior that is not prescribed by the student’s medical provider OR is not administered as prescribed by the student’s medical provider.
3. **Mechanical Restraint** – a device used to restrict movement of a student or the movement or normal function of a portion of the body of a student. A mechanical restraint does **not** mean:

- 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.
Definition of Seclusion

“Seclusion” means:
1. The **involuntary confinement** of a student;
2. Alone in a room; and
3. From which the student is **physically prevented** from leaving.
What Seclusion Does Not Mean

“Seclusion” does not mean:

The removal of a student for a short period of time for student to regain self control if the student is in a setting from which the he/she is not physically prevented from leaving, e.g., time-out.
Physical Restraint or Seclusion May **Not Be Used** for These Purposes

1. Discipline;
2. Punishment; or
3. The convenience of staff.
WHEN May Restraint or Seclusion Be Used on a Student?

1. When the student’s behavior imposes a reasonable threat of imminent serious bodily injury to the student or others AND
2. When other less restrictive interventions would not be effective.
Serious Bodily Injury

“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.
HOW LONG May Physical Restraint or Seclusion Be Used?

They may only be used as long as the student’s behavior poses a reasonable threat of imminent, serious bodily injury to the student or others.
WHO May Use Physical Restraint or Seclusion with a Student?

1. Staff who have been trained to use physical restraint or seclusion with a training program approved by the District (Oregon Intervention System “OIS”); and

2. Untrained staff in an emergency circumstance due to the unforeseeable nature of the emergency. This includes teachers, administrators, school employees and school volunteers.
Use of Restraint or Seclusion by Untrained Staff in an Emergency

All of the requirements in the law apply, including:

1. When a restraint or seclusion may be used;
2. How long a restraint or seclusion may be used;
3. All of the procedures; and
4. All of the District’s forms.
Procedures That Apply WHEN Using Restraint or Seclusion

1. The student must be continuously monitored. See Continuous Monitoring Form.

2. If it continues for more than 30 minutes:
   - Student must have adequate access to bathroom and water every 30 minutes; and
   - Staff must immediately attempt to verbally or electronically contact the parent.
3. After the first 30 minutes and every 15 minutes thereafter of a restraint or seclusion, a principal or his/her designee must provide:

- Written authorization for the continuation of the physical restraint or seclusion and
- Documentation for the reason it must be continued.

See Forms: 1) Continuous Monitoring and 2) Administrative Approval for Continued Use
Procedures That Apply AFTER Restraint or Seclusion Has Been Used

1. Verbal or electronic parent notification of the incident by the end of the school day on which the incident occurred.

2. Detailed written documentation to parent within 24 hours of incident which must include: description of restraint or seclusion: date, time, location of incident; description of activity that prompted the use of restraint or seclusion; efforts to deescalate the situation; alternatives that were attempted; names of staff involved and their training status.

See Form: Physical Restraint and/or Seclusion Incident Report.
3. Debriefing meeting held within **two school days** of incident:

- Written minutes of debriefing meeting required and copy to parent.
- Parent must be invited but not required to attend.
- Attend meeting: All staff involved in incident and other appropriate staff.
  - **General Education Student**: No special education staff unless they were involved in the incident.
  - **Special Education Student**: Special education staff IF they were involved in the incident. If special education staff were not involved in the incident, include the student’s special education case manager who should be there for programming purposes only and not to complete forms.
Purpose of Debriefing Meeting:

- Discuss the incident.
- Discuss the circumstances resulting in the use of restraint or seclusion.
- Discuss the information on the Incident Report and review it for accuracy.
- Determine what actions are necessary to reduce the chances that such an incident will reoccur.
4. If **5 incidents in a school year** of restraint or seclusion: team must meet to draft a behavior plan or review and revise the student’s existing plan **AND** ensure the provision of any necessary behavioral supports.

**Very Important Note:** A behavior plan that addresses the use of restraint or seclusion is required after the fifth incident in a school year. Under the new law, staff may, but are not required to, draft behavior plans that include restraint or seclusion before the fifth incident. The inclusion of restraint or seclusion in a behavior plan must be consistent with all the provisions in the new law.
5. If untrained staff administered the restraint or seclusion, the parent and the District’s Superintendent must receive written notification of the lack of training and the reason it was administered by an person without training. See Fillable Letter to Parent.
District Restraint and Seclusion Forms
To be completed by staff involved in incident. Location of forms to be announced.

1. Physical Restraint and/or Seclusion Incident Report.
4. Continuous Monitoring Form.
5. Letter/Notification of Untrained Staff.
Reporting Requirements

The District must prepare a detailed annual report and make it available to the public in the District’s central office and on its website. Parents must be advised at least annually about how to access the report. (Info. about this will be provided in the near future.)
How Will We Collect This Data?

Until IT develops a system for each building to self-report the required restraint and seclusion information, the District’s Office of Special Education will be managing the data.
Submission of Completed Forms *within 36 Hours* of Incident

1. For Students eligible for Special Education Services:
   - Original forms sent to Sped Records.
   - A separate copy sent to Dianna Hess in the Special Education Office by scan/email or fax (503-591-4190).

   Cont.
2. **For General Education Students:**
   - Original forms maintained in student’s cum file.
   - A separate copy sent to Dianna Hess in the Special Education Office by scan/email or fax (503-591-4190).
Summary of Decisions or Actions for Schools

See Reporting Form

1. Principal appoint designee(s) for administrative approval procedure.

2. Select staff member who will submit all forms within 36 hours of each incident to Dianna Hess at the Special Education Office.

Cont.
3. Select staff member for Dianna Hess to contact when the 4th restraint or seclusion occurs for a **general education student** --- to ensure staff draft or revise a behavior plan for the student. (For **special education students**, this will be the student’s special education case manager.)
The End.