

Restraint and Seclusion Policy

Definitions

- (1) 'Chemical restraint' means a drug or medication that is used on a student to control behavior or restrict freedom of movement and that is not:
 - (a) 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;
 - (b) Administered as prescribed by a licensed physician or other qualified health professional acting under the professional's scope of practice.
- (2) '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) A protective or stabilizing device ordered by a licensed physician; or
 - (b) A vehicle safety restraint when used as intended during the transport of a student in a moving vehicle.
- (3) 'Physical restraint' means the restriction of a student's movement by one or more persons holding the student or applying physical pressure upon the student.
 - (a) 'Physical restraint' does not include 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;
 - (b) 'Physical restraint does not include prone restraint as defined in ORS 339.288.
- (4) 'Prone restraint' means a restraint in which a student is held face down on the floor.
- (5) 'Public education program' means a program 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.
- (6) 'Seclusion' means the involuntary confinement of a student alone in a room from which the student is physically prevented from leaving. '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.
- (7) 'Seclusion cell' means a freestanding, self-contained unit that is used to:
 - (a) Isolate the student from other students; or
 - (b) Physically prevent a student from leaving the unit or cause the student to believe that the student is physically prevented from leaving the unit.
- (8) '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.

Use of Physical Restraint and Seclusion in Public Education Programs

- (1) The use of a chemical restraint, mechanical restraint or prone restraint on a student in a public education program in this state is prohibited.
- (2) The use of physical restraint or seclusion on a student in a public education program in this state is prohibited unless used as provided in ORS 339.291, which includes the following:
 - (a) Physical restraint or seclusion may be used on a student in a public education program only if:
 - (A) The student's behavior poses a reasonable threat of imminent, serious bodily injury to the student or others; and
 - (B) Less restrictive interventions would not be effective.
 - (b) Physical restraint or seclusion may not be used for discipline, punishment or convenience of personnel of the public education program if:
 - (c) If physical restraint or seclusion is used on a student, the physical restraint or seclusion must be:
 - (A) Used only if the student's behavior poses a reasonable threat of imminent, serious bodily injury to the student or others;
 - (B) Imposed by personnel of the public education program who are:
 - (i) Trained to use physical restraint or seclusion through programs approved by the Department of Education under OAR 581-021-0563; or-
 - (ii) 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.
 - (C) Continuously monitored by personnel of the public education program for the duration of the physical restraint or seclusion.
- (3) If physical restraint or seclusion continues for more than 30 minutes:
 - (a) The student must be provided with adequate access to the bathroom and water every 30 minutes;
 - (b) Personnel of the public education program must immediately attempt to verbally or electronically notify a parent or guardian of the student; and,
 - (c) Every 15 minutes after the first 30 minutes of the physical restraint or seclusion, 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 physical restraint or seclusion must be continued.