Use of Restraint and Seclusion

The public charter school Board is dedicated to the development and application of best practices within the public charter schools educational/behavioral programs. It is the intent of the Board to establish a policy that defines the circumstances that must exist and the requirements that must be met prior to, during and after the use of restraint and/or seclusion as an intervention with charter school students.

Definitions

1. “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. “Physical restraint” does not include touching or holding a student without the use of force for the purpose of directing the student or assisting the student in completing a task or activity. The definition of “physical restraint” does not include the use of mechanical, chemical or prone restraint of a student as these methods are prohibited by Oregon law.

2. “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, in a setting from which the student is not physically prevented from leaving.

3. “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.

4. “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.

5. “Chemical restraint” means a drug or medication that is used on a student to control behavior or restrict freedom of movement that has not been prescribed by a licensed health professional or other qualified health care professional acting under the professionals scope of practice.

6. “Prone restraint” means a restraint in which a student is held face down on the floor.
The use of physical restraint and/or seclusion is only permitted as a part of a behavioral support plan when other less restrictive interventions would not be effective and the student’s behavior poses a threat of imminent, serious physical harm to the student or others.

Except in the case of an emergency, only staff current in the required training in accordance with the public charter schools designated physical restraint and seclusion training program will implement physical restraint or seclusion with a student. In an emergency, physical restraint and/or seclusion may also be used by a school administrator, teacher or other school employee [or volunteer] as necessary when the student’s behavior imposes a reasonable threat of imminent, serious bodily injury to the student or to others. The use of physical restraint/seclusion under these circumstances is only allowed so long as the student’s behavior poses a threat of imminent, serious physical harm to themselves, or to others. Any student being restrained or secluded within the scope of the public charter school program whether in an emergency or as a part of a plan shall be constantly monitored by staff for the duration of the intervention. Any room used for seclusion of a student must allow staff full view of the student in all areas of the room and be free of potentially hazardous conditions such as unprotected light fixtures and electrical outlets.

The public charter school shall utilize the MANDT training program of physical restraints and seclusion for use by the public charter school staff. As required by state regulation, the selected program shall include: behavioral support, prevention, de-escalation and crisis response techniques. Any program selected by the public charter school must be in compliance with state and federal law with respect to the use of restraint and/or seclusion.

An annual review of the use of physical restraint and seclusion, including a review of all public charter school cases involving restraint and/or seclusion, shall be completed to ensure compliance with public charter school policies and procedures. The results of the annual review shall be documented and shall include at a minimum:

1. The total number of incidents of restraint;
2. The total number of incidents of seclusion;
3. The total number of seclusions in a locked room;
4. The total number of students placed in physical restraint;
5. The total number of students placed in restraint and/or seclusion more than 10 times in a school year;
6. The total number of restraint and seclusion incidents carried out by untrained individuals;
7. The demographic characteristics of all students upon whom physical restraint and/or seclusion was imposed.

This report shall be made available to the Board and to the public at the charter schools’s main office and on the public charter school website.

At least once each school year the public shall be notified as to how to access the report.

The public charter school shall investigate all complaints regarding the use of restraint and/or seclusion practices according to the procedures outlined in Board policy KL and KL-AR - Public Complaints.
The public charter school administrator shall develop administrative regulations to carry out the requirements set forth in this policy and to meet any additional requirements established by law related to the use, reporting and written documentation of the use of physical restraint or seclusion by public charter school personnel.

END OF POLICY

Legal Reference(s):

ORS 161.205  
ORS 339.250  
OAR 581-021-0061

OAR 581-021-0062  
OAR 581-021-0550  
OAR 581-021-0553

OAR 581-021-0556  
OAR 581-021-0559  
OAR 581-021-0563  
OAR 581-021-0566

Cross Reference(s):

JGA - Corporal Punishment  
JGDA/JGEA - Discipline of Students with Disabilities
Use of Restraint and Seclusion

General Guidelines

1. Parents will be provided verbal or electronic notification by the school staff following the use of physical restraint or seclusion by the end of the day on which the incident occurred.

2. Parents will be provided written documentation of the incident within 24 hours that provides:
   a. A description of the physical restraint and/or seclusion;
   b. The date of the physical restraint or seclusion;
   c. The time the physical restraint or seclusion began and ended, and the location;
   d. The efforts used to de-escalate the situation and the alternatives to physical restraint or seclusion that were attempted;
   e. The names of personnel of the public education program who administered the physical restraint or seclusion.

3. If the physical restraint or seclusion was administered by a person without training the district will provide that information along with the reason why a person without training administered the restraint or seclusion.

4. An administrator will be notified as soon as practicable whenever physical restraint and/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 physical 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 physical restraint or seclusion must be continued. Whenever physical restraint or seclusion extends beyond 30 minutes, personnel of the district will immediately attempt to verbally or electronically notify a parent.

6. A charter school Physical Restraint and/or Seclusion Incident Report must be completed and copies provided to those attending the debriefing meeting for review and comment.

7. A documented debriefing meeting must be held within two school days after the use of restraint and/or seclusion; staff members involved in the intervention must be included in the meeting. The debriefing team shall include an administrator.
The completed Physical Restraint and/or Seclusion Incident Report Form shall include the following:

1. Name of the student;
2. Name of staff member(s) administering the physical restraint or seclusion;
3. Date of the restraint or seclusion and the time the restraint or seclusion began and ended;
4. Location of the restraint or seclusion;
5. A description of the restraint or seclusion;
6. A description of the student’s activity immediately preceding the behavior that prompted the use of restraint or seclusion;
7. A description of the behavior that prompted the use of restraint or seclusion;
8. Efforts to de-escalate the situation and alternatives to restraint or seclusion that were attempted;
9. Information documenting parent contact and notification; and
10. A summary of the debriefing meeting held.

Physical 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 personnel, including a behavioral specialist and a public charter school representative who is familiar with the physical restraint training practices adopted by the charter school.
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 will be provided a copy of the public charter school Use of Restraint and Seclusion policy at the time the plan is developed.

Use of restraint and/or seclusion in an emergency by school administrator, staff or volunteer to maintain order or prevent a student from harming his/herself, other students, school staff or property.

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