

Neah-Kah-Nie School District 56

Code: JGAB
Adopted: 4/14/08
Revised/Readopted: 5/14/12; 8/10/15; 12/10/18

Use of Restraint ~~and~~ or Seclusion **

The Board is dedicated to the development and application of best practices within the district's public educational/behavioral programs. ~~It is the intent of the Board to establish a this policy and its administrative regulation that to~~ defines the circumstances that must exist and the requirements that must be met prior to, during and after the use of ~~physical~~ restraint ~~and~~/or seclusion as an intervention with district students.

The use of the following types of restraint on a student in the district is prohibited:

Chemical restraint.

Mechanical restraint.

Prone restraint.

Supine restraint.

Any restraint that involves the intentional and nonincidental use of a solid object, including a wall or the floor, to impede a student's movement, unless the restraint is necessary to prevent an imminent life-threatening injury or to gain control of a weapon.

Any restraint that places, or creates a risk of placing, pressure on a student's neck or throat.

Any restraint that places, or creates a risk of placing, pressure on a student's mouth, unless the restraint is necessary for the purpose of extracting a body part from a bite.

Any restraint that impedes, or creates a risk of impeding, breathing.

Any restraint that involves the intentional placement of the hands, feet, elbow, knee or any object on a student's neck, throat, genitals or other intimate parts.

Any restraint that causes pressure to be placed, or creates a risk of causing pressure to be placed, on the stomach or back by a knee, foot or elbow bone.

Any action designed for the primary purpose of inflicting pain.

Restraint or seclusion may not be used for discipline, punishment, retaliation or convenience of staff, contractors or volunteers of the district.

Restraint may be imposed on a student in the district only under the following circumstances:

1. The student's behavior imposes a reasonable risk of imminent and substantial physical or bodily injury to the student or others; and
2. Less restrictive interventions would not be effective.

Seclusion may be used on a student in the district only under the following circumstances:

3. The 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.

If restraint or seclusion is used on a student, by trained staff or other staff available in the case of an emergency when trained staff are not immediately available due to the unforeseeable nature of the emergency, e.g., teacher, administrator, ~~or volunteer~~, it will be used only for as long as the student's behavior poses a reasonable risk of imminent and substantial physical or bodily injury to the student or others and less restrictive interventions would not be effective. Students will be continuously monitored by staff for the duration of the restraint or seclusion.

Definitions

1. ~~Physical r~~Restraint" means the restriction of a student's actions or movements by ~~one or more persons~~ holding the student or ~~applying physical~~ using pressure ~~upon the student~~ or other means.

~~Physical r~~Restraint" does not include:

- a. ~~touching or h~~Holding a student's ~~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~~ hand or arm to escort the student safely and without the use of force from one area to another.
 - b. Assisting a student to complete a task if the student does not resist the physical contact; or
 - c. Providing reasonable intervention with the minimal exertion of force necessary if the intervention does not include a restraint prohibited under Oregon Revised Statute (ORS) 339.288 and the intervention is necessary to:
 - (1) Break up a physical fight;
 - (2) Interrupt a student's impulsive behavior that threatens the student's immediate safety, including running in front of a vehicle or climbing on unsafe structures or objects; or
 - (3) Effectively protect oneself or another from an assault, injury or sexual contact with the minimum physical contact necessary for protection.
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, ~~if the student in a setting from which the student is not physically prevented from leaving.~~ ^{is}
 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 is not been~~ prescribed by a licensed ~~health~~ professional ~~physician~~ or other qualified health ~~care~~ professional acting under the professional’s scope of practice for standard treatment of the student’s medical or psychiatric condition; and administered as prescribed by a licensed physician or other qualified health professional acting under the professional’s scope of practice.
6. “Prone restraint” means a restraint in which a student is held face down on the floor.
7. “Supine restraint” means a restraint in which a student is held face up 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 district 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 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 or 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 district 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 meet the standards as outlined in OAR 581-021-0568.

The district shall utilize the MANDT training program of ~~physical~~ restraints ~~and~~ or seclusion for use in the district. As required by state regulation, the selected program shall be one approved by the Oregon Department of Education (ODE) and include; but not limited to, positive behavioral support, conflict prevention, de-escalation and crisis response techniques. Any program selected by the district 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 ~~during the preceding school year~~ shall be completed and submitted to the ~~Superintendent of Public Instruction~~ ODE to ensure compliance with district policies and procedures.

The results of the ~~review and~~ annual ~~review~~ report shall be documented and shall include at a minimum:

1. The total number of incidents ~~of physical~~ involving restraint;
2. The total number of incidents ~~of~~ involving 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 seclusion;
6. The total number of incidents that resulted in injuries or death to students or ~~personnel~~ staff as a result of the use of ~~physical~~ restraint or seclusion;
7. The total number of students placed in ~~physical~~ restraint ~~and~~/or seclusion more than 10 times in a school year and an explanation of what steps have been taken by the district to decrease the use of ~~physical~~ restraint and seclusion for each student;
8. The total number of ~~physical~~ restraint ~~and~~ or seclusion incidents carried out by untrained individuals;
9. The demographic characteristics¹ of all students upon whom ~~physical~~ restraint ~~and~~/or seclusion was imposed;
10. The total number of rooms available for use by the district for seclusion of a student and a description of the dimensions and design of the rooms.

This annual report shall be made available ~~to the Board and~~ to the public at the district's main office, and on the district's website, and to the Board.

At least once each school year the parents and guardians of students of the district shall be notified about how to access the report.

The district shall investigate all complaints regarding the use of restraint and/or seclusion practices according to the procedures outlined in Board policy KL – Public Complaints and KL-AR - Public Complaints Procedure. The complaint procedure is available at the district's administrative office and is available on the home page of the district's website.

~~A~~ The complainant, who is a student, ~~is~~ a parent or guardian of a student attending school in the district or ~~is~~ a person who resides in the district, may appeal ~~a~~ the district's final decision ~~by the Board~~ to the Deputy Superintendent of Public Instruction ~~as provided in~~ pursuant to OAR ~~581-002-0040~~ 581-022-2370. This appeal process is identified in administrative regulation KL-AR(2) - Appeal to the Deputy Superintendent of Public Instruction.

¹ Including race, ethnicity, gender, disability status, migrant status, English proficiency and status as economically disadvantaged, unless the demographic information would reveal personally identifiable information about an individual student.

The superintendent 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 district ~~personnel~~ staff.

END OF POLICY

Legal Reference(s):

ORS 161.205	ORS 339.300	OAR 581-021-0559
ORS 339.250	ORS 339.303	OAR 581-021-0563
ORS 339.285		OAR 581-021-0566
ORS 339.288	OAR 581-021-0061	OAR 581-021-0568
ORS 339.291	OAR 581-021-0550	OAR 581-021-0569
ORS 339.294	OAR 581-021-0553	OAR 581-021-0570
ORS 339.297	OAR 581-021-0556	OAR 581-022-2370

Cross Reference(s):

JGA - Corporal Punishment
JGB - Detention of Students
JGDA/JGEA - Discipline of Students with Disabilities

