

MESD Use of Restraint or Seclusion

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

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

1. Chemical restraint.
2. Mechanical restraint.
3. Prone restraint.
4. Supine restraint.
5. Any restraint that involves the intentional and nonincidental use of a solid object¹, 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.
6. Any restraint that places, or creates a risk of placing, pressure on a student's mouth, neck or throat.
7. 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.
8. Any restraint that impedes, or creates a risk of impeding, breathing.
9. 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.
10. 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.
11. Any action designed for the primary purpose of inflicting pain.

The use of a seclusion cell is prohibited.

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

¹ The use of a solid object, including furniture, a wall, or the floor, by MESD staff performing a restraint is not prohibited if the object is used for the staff's own stability or support while performing the restraint and not as a mechanism to apply pressure directly to the student's body.

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

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

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

14. The student's behavior imposes a reasonable risk of imminent and serious bodily injury to the student or others; and
15. 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, 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. "Restraint" means the restriction of a student's actions or movement by holding the student or using pressure or other means. "Restraint" does not include:
 - a. Holding a student's 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
 - d. 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 includes, but is not limited to, the involuntary confinement of a student alone in a room with a closed door, whether the door is locked or unlocked.

"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, or a student being left alone in a room with a closed door for a brief period of time if the student is left alone for a purpose that is unrelated to the student's behavior.
3. "Seclusion cell" means a freestanding, self-contained unit that is used to isolate the student from other students or physically prevent a student from leaving the unit or cause the student to believe that the student is physically prevented from leaving the unit.

4. “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.
5. “Substantial physical or bodily injury” means any impairment of the physical condition of a person that requires some form of medical treatment.
6. “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.
7. “Chemical restraint” means a drug or medication that is used on a student to control behavior or restrict freedom of movement that is not 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; and administered as prescribed by a licensed physician or other qualified health professional acting under the professional’s scope of practice.
 8. “Prone restraint” means a restraint in which a student is held face down on the floor.
 9. “Supine restraint” means a restraint in which a student is held face up on the floor.

Any student being restrained and/or secluded within the scope of the MESD’s educational/behavioral programs, 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 Oregon Administrative Rule (OAR) 581-021-0568.

The MESD shall only utilize the Safety Care a training program for restraints or seclusion for use in MESD programs to train staff. ~~As required by state regulation, the selected program shall be one and use in the MESD which has been approved by the Oregon department of Education (ODE) and include, but not limited to, positive behavior support, conflict prevention, de-escalation and crisis response techniques. Any program selected by the MESD must be in compliance with state and federal law with respect to the use of restraint or seclusion.~~

An annual review of the use of restraint and seclusion during the preceding school year, shall be completed and submitted to ODE to ensure compliance with MESD policies and procedures.

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

1. The total number of incidents involving restraint;
2. The total number of incidents involving seclusion;

3. The total number of seclusions in a locked room;
4. The total number of students placed in 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 staff as a result of the use of restraint or seclusion;
7. The total number of students placed in restraint or seclusion more than 10 times in a school year and an explanation of what steps have been taken by the MESD to decrease the use of restraint and seclusion for each student;
8. The total number of restraint or seclusion incidents carried out by untrained individuals;
9. The demographic characteristics² of all students upon whom restraint or seclusion was imposed; and
10. The total number of rooms available for use by the MESD 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 public at the MESD's main office and on the MESD's website, to the Board and to the component school districts of the MESD.

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

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

The complainant, whether an organization or an individual, may appeal a ESD's final decision to the Oregon Department of Education pursuant to OAR 581-002-0001 - 581-002-0023. [This appeal process is represented in administrative regulation KL-AR(2) - Appeal to the Deputy Superintendent of Public Instruction.]

The superintendent or designee 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 restraint or seclusion by MESD staff. A staff member who violates this policy or its administrative regulation may be subject to discipline, up to and including dismissal.

END OF POLICY

² 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.

Legal Reference(s):

[ORS 161.205](#)
[ORS 339.250](#)
[ORS 339.288](#)
[ORS 339.291](#)
[ORS 339.294](#)
[ORS 339.297](#)
[OAR 581-021-0061](#)
[OAR 581-021-0550](#)
[OAR 581-021-0553](#)
[OAR 581-021-0556](#)

[OAR 581-021-0563](#) [OAR 581-021-0566](#)
[OAR 581-021-0568](#)
[OAR 581-021-0569](#)
[OAR 581-021-0570](#)
[OAR 581-021-2370](#)
[OAR 581-022-2267](#)

[ORS 339.300](#)
[ORS 339.303](#)

MESD Policy Cross Reference(s):

AD - Educational Philosophy
GBM - Staff Complaints
IA/IAA - Instructional Goals
IGBAE - Special Education - Participation in Regular Education Programs
IGBAF - Special Education – Individualized Education Program (IEP)**
IGBAH - Special Education – Evaluation Procedures
IGBAJ - Special Education – Free Appropriate Public Education (FAPE)
IGBHA - Alternative Education Programs
IM - Evaluation of Instructional Programs
JA/JAA - Student Policies, Goals and Objectives
JB - Equal Educational Opportunity
JECD - Assignment of Students to Classes
JGA - Corporal Punishment
JGB - Detention of Students
JGDA/JGEA - Discipline of Students with Disabilities
KL - Public Complaints
KLD - Public Complaints About MESD Personnel