

Use of Physical Restraint and Seclusion

Background:

On June 6, 2019, [Senate Bill 963](#) was signed into law by Governor Brown. This legislation changes the restraint and seclusion laws in Oregon public education programs. Its effective date is July 1, 2019. The State Board of Education will hear first read on Sept. 19, 2019.

On March 9, 2012, in alignment with Oregon Statute, the State Board of Education adopted new administrative rules on the use of physical restraint and seclusion in Oregon public schools. These policies were enacted for all ESD and District School boards to adopt by July 1, 2012.

On June 11, 2012 Morrow County School Board implemented Revised/Readopted board policy around Restraint and Seclusion, see Board Policy: JBAB- Use of Restraint and Seclusion and board Administrative Rules JGAB-AR – Use of Restraint and Seclusion to meet Oregon law regarding the use of Restraint and Seclusion.

To review the MCSD policy and AR by website go to:

<http://policy.osba.org/morrow/J/JGAB%20G1.PDF>

<http://policy.osba.org/morrow/J/JGAB%20R%20G1.PDF>

Current Status:

A statute requirement (OAR 581-021-0559) listed in the above mentioned Board Policy is an annual review of the use of physical restraint and seclusion that take place in the district as well as making an annual report made available to the Board and public at our districts main office and on our district website. This work has now been completed and our annual report is now available.

Annual Report:

You may review the report within the Board Packet: You can also access the Morrow County School Districts Annual Restraint and Seclusion Report by going to our district resource and links web page:

<https://www.morrow.k12.or.us/sites/morrow.k12.or.us/files/File/pdfs/1617-restraint-report.pdf>

Click on the “Resources and Links” section you will see the report under Health and Safety section.

If you have further questions, Please contact Ian Hampton by e-mail (ian.hampton@morrow.k12.or.us) or by phone at 541-922-4016

581-021-0559

Reporting Requirements for the Use of Physical Restraint & Seclusion

(1) Each entity that has jurisdiction over a public education program must prepare an annual report detailing the use of physical restraint and seclusion for the preceding school year, including, at a minimum:

- (a) The total number of incidents involving physical restraint;
- (b) The total number of incidents involving seclusion;
- (c) The total number of seclusions in a locked room;
- (d) The total number of students placed in physical restraint;
- (e) The total number of students placed in seclusion;
- (f) The total number of incidents that resulted in injuries or death to students or personnel as a result of the use of physical restraint or seclusion;
- (g) The number of students who were placed in physical restraint or seclusion more than 10 times in the course of a school year and an explanation of what steps have been taken by the public education program to decrease the use of physical restraint and seclusion for each student;
- (h) The number of incidents in which the personnel of the public education program administering physical restraint or seclusion were not trained; and
- (i) The demographic characteristics of all students upon whom physical restraint or seclusion was imposed, 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.

(2) Each entity that has jurisdiction over a public education program shall make its annual report about physical restraint and seclusion available to:

- (a) The public at the entity's main office and the website of the entity; and
- (b) The school board or governing body overseeing the entity;
- (c) If the entity is an education service district, the component school districts of the education service district;
- (d) If the entity is a public charter school, the sponsor of the public charter school;
- (e) Parents and guardians of students in a public education program, who shall be advised at least once each school year about how to access the report.

Stat. Auth.: ORS. 326.051

Stats. Implemented: Ch. 665, OL 2011 (Enrolled House Bill 2939)

Hist.: ODE 12-2012, f. 3-30-12, cert. ef. 5-1-12

Definitions: As used in OAR 581-021-0550 to 581-021-0566:

Definition of Restraint

“SB 963 defines **restraint** as “the restriction of a student’s actions or movements by holding the student or using pressure or other means.” Restraint is to be used only when the student’s behavior “imposes a reasonable risk of imminent and substantial physical or bodily injury to the student or others” and “less restrictive interventions would not be effective.”

SB 963 lists circumstances that are not considered restraint. They include:

- Holding a student’s hand or arm to escort the student safely and without the use of force from one area to another;
- Assisting a student to complete a task if the student does not resist the physical contact;
- Providing reasonable intervention with the minimal exertion of force necessary if the intervention does not include a restraint prohibited under ORS 339.288 and the intervention is necessary to:
 - Break up a physical fight;
 - 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
 - Effectively protect oneself or another from an assault, injury or sexual contact with the minimum physical contact necessary for protection.

Prior to the passage of SB 963, the use of mechanical, chemical, or prone restraints were prohibited. SB 963 increases the types of restraints that are prohibited. They are as follows:

- Chemical restraint;
- Mechanical restraint;
- Prone restraint;
- Supine restraint;
- Any restraint that involves the intentional and non-incident 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.

SB 963 reinforces the reporting requirement mandate of ORS 339.297 by considering a district nonstandard under ORS 327.103 if not compliant with annual restraint and seclusion reporting.”

Total Incidents of Physical Restraint and Seclusion: 0

Total number of incidents involving physical restraint: 1

Total number of incidents involving seclusion: 0

Total number of seclusions in a locked room: 0

Total number of students placed in physical restraint: 1

Total number of students placed in seclusion: 0

Demographic characteristics:

Race:

African American	<u> 0 </u>
Asian	<u> 0 </u>
Multi-Racial	<u> 0 </u>
White	1

Ethnicity:

Hispanic	<u> 0 </u>
Non-Hispanic	1

Gender:

Female	1
Male	<u> 0 </u>

Disability Status:

Identified as Disabled under IDEA or Section 504:	
Autism Spectrum Disorder	<u> 0 </u>
Emotional Disturbance	1
Other	<u> 0 </u>
Non-Disabled:	<u> </u>

Migrant Status: No

English Proficiency:

 0 Students receiving ELL services.

Status as Economically Disadvantaged:

 0 Students eligible for free and reduced lunch.

*Total number of incidents that resulted in **injuries or death** to students or personnel as a result of the use of physical restraint or seclusion: 0 incidents resulted in reported injuries to staff.

*Number of students placed in physical restraint or seclusion **more than 10** times in the 2018-19 school year: 0.

*Steps taken to reduce the use of physical restraint for each student:

Morrow County School District (MCSD) continues to put the safety of all students as a top priority. Every year our district has professional development opportunities to train administrators, special education staff, classified staff and certified staff that work in a supervisory or support capacity with students that have behavior difficulties. Our trainings focus on building relationships, student and classroom management, understanding student behavior needs, de-escalation tactics and as a last resort the use of restraints. Trainings involving restraint will include all current revised laws. MCSD does not have any seclusion rooms and seclusions are not to be conducted. However, depending on the situation, students do receive time outs when their behavior is considered harmful or disruptive to the learning environment or safety of others. The time outs do not violate the state guidance on seclusion. When students need more structured behavior support, school staff utilizes numerous intervention and de-escalation tactics as well as look at behavior data to inform future instructional tactics. Our district collaborates with Intermountain ESD school psychologists to help us create a Functional Behavior Analysis for students with repeated behavior problems. This document helps us to understand antecedents and de-escalation tactics for the student. The IMESD and district staff also work together to develop a Behavior Intervention Plan (BIP) for the student. Each Behavior Intervention Plan is tailored to the needs of the student and if the student receives special education services the BIP plan becomes part of his/her Individualized Education Plan (IEP). When any restraint occurs the district completes the mandatory state documents and follows the required reporting steps. A restraint report is created and reviewed with families. Staff members debrief to review the incident. If trainings or re-trainings need to take place, they are promptly scheduled. Staff, students and families review expectations, then each school makes future plans and takes steps to reduce the likelihood that another restraint will take place. Repeated or severe incidents lead to the creation of Behavior Intervention Plans.

As always, MCSD will continue to support and serve all students and will follow all state laws, guidelines and policies when it comes to the safety of our students and staff. MCSD utilizes board policy as well as it relates to following school rules, schoolwide discipline plans and upholding district policies around student learning.

*Number of incidents in which personnel administering physical restraint or seclusion were not trained: 1.