Restraint & Seclusion Policy to Practice:
Dispelling Myths and Discussing Facts

PACE Days Conference
April 2019
Our Mission

The Oregon Department of Education fosters equity and excellence for every learner through collaboration with educators, partners and communities.
Equity is......

➢ Reducing the predictability of who succeeds and who fails.

➢ Interrupting reproductive practices that negatively impact vulnerable and marginalized students.

➢ Cultivating the unique gifts and talents of every student.

-National Equity Project
In the 2015–2016 school year, 122,000 students across the country were restrained or secluded

<table>
<thead>
<tr>
<th>Student group</th>
<th>Percent total population</th>
<th>Those subject to restraint</th>
<th>Those subjected to seclusion</th>
</tr>
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<tbody>
<tr>
<td>Students with disabilities</td>
<td>12% of total enrollment</td>
<td>71 %</td>
<td>66 %</td>
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<tr>
<td>African American students</td>
<td>15% of total enrollment</td>
<td>27 %</td>
<td>23 %</td>
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Civil Rights Data Collection, 2018
Social and emotional learning (SEL) is the process through which children and adults acquire and effectively apply the knowledge, attitudes, and skills necessary to understand and manage emotions, set and achieve positive goals, feel and show empathy for others, establish and maintain positive relationships, and make responsible decisions.
And remember...

Our interventions based on our understanding of the brain’s functions

**Reason**
- Life Space Interview, Direct Skills
- Training, CBT, Collaborative
- Problem Solving & Education

**Relate**
- Restorative Approach, Trauma-Informed Care

**Regulate**
- Trauma-Informed Care, NMT, DBT, Psychiatric/Meds, Health
- Therapeutic Crisis Intervention (TCI)

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**THE HUMAN BRAIN**

- **NEOCORTEX**
- **LIMBIC**
- **DIENCEPHALON**
- **BRAINSTEM**

Source: Kairos

Social and Emotional Learning

- SEL Curriculum and Instruction
- Schoolwide Practices and Policies
- Family and Community Partnerships
# SOCIAL AND EMOTIONAL LEARNING (SEL) COMPETENCIES

## SELF-AWARENESS

The ability to accurately recognize one’s own emotions, thoughts, and values and how they influence behavior. The ability to accurately assess one’s strengths and limitations, with a well-grounded sense of confidence, optimism, and a “growth mindset.”

- Identifying Emotions
- Accurate Self-Perception
- Recognizing Strengths
- Self-Confidence
- Self-Efficacy

## SOCIAL AWARENESS

The ability to take the perspective of and empathize with others, including those from diverse backgrounds and cultures. The ability to understand social and ethical norms for behavior and to recognize family, school, and community resources and supports.

- Perspective-Taking
- Empathy
- Appreciating Diversity
- Respect for Others

## RESPONSIBLE DECISION-MAKING

The ability to make constructive choices about personal behavior and social interactions based on ethical standards, safety concerns, and social norms. The realistic evaluation of consequences of various actions, and a consideration of the well-being of oneself and others.

- Identifying Problems
- Analyzing Situations
- Solving Problems
- Evaluating
- Reflecting
- Ethical Responsibility

## SELF-MANAGEMENT

The ability to successfully regulate one’s emotions, thoughts, and behaviors in different situations — effectively managing stress, controlling impulses, and motivating oneself. The ability to set and work toward personal and academic goals.

- Impulse Control
- Stress Management
- Self-Discipline
- Self-Motivation
- Goal Setting
- Organizational Skills

## RELATIONSHIP SKILLS

The ability to establish and maintain healthy and rewarding relationships with diverse individuals and groups. The ability to communicate clearly, listen well, cooperate with others, resist inappropriate social pressure, negotiate conflict constructively, and seek and offer help when needed.

- Communication
- Social Engagement
- Relationship Building
- Teamwork

## 5 Core Competencies Taught Across Diverse Settings

- Self Awareness
- Self-Management
- Social Awareness
- Relationship Skills
- Responsible Decision Making

- OREGON DEPARTMENT OF EDUCATION
  - Oregon achieves... together!
# Keeping All Students Safe Act

<table>
<thead>
<tr>
<th>Not allow:</th>
<th>Require:</th>
</tr>
</thead>
<tbody>
<tr>
<td>● seclusion</td>
<td>● certification that meets minimum standards of staff conducting physical restraint</td>
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<tr>
<td>● mechanical restraint</td>
<td>● parental notification and follow-up meetings if a physical restraint occurs</td>
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<tr>
<td>● chemical restraint</td>
<td></td>
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<tr>
<td>● any form of aversive behavioral interventions</td>
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<tr>
<td>● physical restraint that restricts breathing or is life threatening</td>
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<tr>
<td>● physical restraint as a planned intervention</td>
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</tbody>
</table>
● Passed the Senate and referred to the house
● Expends specificity of non-allowable restraint
● Changes the definition of restraint & threshold for intervention
  ○ The situations under which restraints can be used
  ○ The situations under which seclusion can be used
  ○ When situations involving physical intervention are not considered restraint
● Ties state school funding to reporting
Definition of Physical Restraint
OAR 581-021-0550

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 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.
Definition of Seclusion
OAR 581-021-0550

Seclusion means the involuntary confinement of a student alone in a room from which the student is physically prevented from leaving......

Does not include 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
Seclusion: Examples and Nonexamples

Examples of Seclusion: Student is alone and prevented from leaving the room after a “room clear” with the teacher/staff person on the outside of the room.

The student is physically separated from others in the classroom and prevented from leaving the designated area with the teacher/staff person outside of the designated area.

Non-Examples of Seclusion: The room is “cleared” and a teacher/staff person remains in the room with the student to assist with behavior management.

The student is physically separated from others in the classroom in a designated area and there is a teacher/staff person present with that student in the designated area.
Q: Is it considered physical restraint when a staff member is escorting a student out of the classroom or down the hall and has physical contact with the student by placing their hand on the student’s person, e.g. arm?

A: NO

Physical restraint does not include the touching or holding of a student without the use of force for the purpose of physically re-directing and/or prompting the student or assisting the student in completing a task or activity.
Where did all the confusion come from?

**Repealed** • Physical restraints may be used in “an emergency by a school administrator, teacher, school employee, or volunteer as necessary to maintain order or to prevent a student from harming him/herself, other students, and school staff or property in accordance with OAR 581-021-0061(2)” OAR 581-021-0062(2)(a)(B).

**Current Law** • Restraint and Seclusion can only be utilized if:
  • Student’s **behavior poses a reasonable threat of imminent, serious bodily injury** to the student or others; and
  • Less restrictive interventions would not be effective
Definition: ‘serious bodily injury’

‘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.
Black, White & Gray: How do you make a decision?

- Almost okay
- Always okay
- Okay depending on the situation
- Never okay
If physical restraint or seclusion is utilized, the physical restraint or seclusion must be:

Used only for as long as the student's behavior poses a reasonable threat of imminent, serious bodily injury to the student or others

- Must be implemented by those who are trained
- Requires continuous monitoring
Use of Physical Restraint and Seclusion: (OAR 581-021-0553)

- Chemical, Mechanical and Prone Restraint prohibited
- Physical restraint or seclusion may not be used for
  - discipline
  - punishment
  - convenience of personnel of the public education program.

Physical Restraint & Seclusion used with conditions
  - only for as long as needed
  - less restrictive measures not effective
Time limits and rules for seclusion and restraint:

If physical restraint or seclusion continues for **more than 30 minutes**:

- Adequate access to bathroom or water breaks must be established after 30 minutes.
- **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, including providing documentation for the reason the physical restraint or seclusion must be continued.
- Personnel of the public education program must immediately attempt to verbally or electronically notify a parent or guardian of the student.
- Continuous 360 degree monitoring of the situation for the duration.
Reporting Requirements

• Verbal or electronic parent/guardian notification of the incident by the **end of the school day** when the incident occurred

• Written documentation of the incident within **24 hours**.

• **Timely notification** of a debriefing meeting to be held and of the parent's or guardian's right to attend
  
  – A debriefing meeting must be held within **two school days** of the incident and must include all personnel of the public education program who were involved in the incident and any other appropriate personnel
  
  – Written notes must be taken
  
  – a copy of the written notes must be provided to a parent or guardian of the student
What are the restraint/seclusion reporting requirements?

- Day of event?
- Within 24 hours?
- Within 2 days?
- What 2 written documents must parents receive?
Debrief Meeting Best Practices

• Comprehensive team approach
• Prevention practices
  – FBA/BIP
• Proactive focus
• Review current practices
  – What do we need to do differently?
  – What can we add or remove from the environment for future success?

What’s missing from this list? Add your own........
The Stress Cycle

Managing the Cycle of Acting-Out Behavior In the Classroom
Geoff Colvin

The Successful Bartender
Putting People Skills to Work
Geoff Colvin & Peter Battistella
Stress Cycle

Key
- Unspoken Stress
- Staff emotions
- Staff actions
- Beyond De-escalation

Baseline 80% → Trigger → Escalation → Crisis
10%
50%
75%

De-Escalation → Stabilization → Post-Crisis Drain
PREVENTING & RESPONDING TO ESCALATIONS IN BEHAVIOR

Calm/baseline
Triggers
Escalation
Crisis
De-escalation
Post Crisis Drain
Recovery
Q:
If a student calms right away after being placed in a physical restraint, is the school required to notify his/her parents, complete a physical restraint incident report and hold a debriefing meeting?

A:
Yes. Every time a student is placed in a physical restraint the school must give the parent(s) verbal or written notification by the end of the day the incident occurred. Within two days of the incident a documented debriefing by appropriate staff must occur and include staff involved in the physical restraint. Parents or guardians need to be provided a copy of the meeting notes from this debriefing. OAR 581-021-0556
If a student is involved in five incidents in a school year involving physical restraint or seclusion, a team consisting of:

- personnel of the public education program
- a parent or guardian of the student

must be formed for the purposes of reviewing and revising the student's behavior plan and ensuring the provision of any necessary behavioral supports.
Q:
When physical restraint is included in a student’s behavior support plan, what guidelines are used when responding to student behaviors?

A:
When a behavior support plan includes physical restraint as a means of responding to student behavior, the use of physical restraint should be initiated only “when other less restrictive interventions would not be effective and the student’s behavior poses the threat of imminent, serious, bodily injury to the student or others” OAR 581-021-0553(2)(a)(A)&(B).
Any wall that is part of the room used for seclusion must be part of the structural integrity of the room.

Must be no less than 64 square feet; the distance between adjacent walls must be no less than 7 feet across.

The room must not be isolated from school staff of the facility;

Doors must be unlocked or equipped with immediate-release locking mechanisms;

The door must open outward and contain a port of shatterproof glass or plastic through which the entire room may be viewed from outside; half doors are acceptable options as well where direct visual monitoring can occur.

The room must contain no protruding, exposed, or sharp objects;

The room must contain no free standing furniture.

Windows must be transparent for both staff and the student to see in/out, and made of unbreakable or shatterproof glass or plastic. Non-shatterproof glass must be protected by adequate climb-proof screening;

There must be no exposed pipes or electrical wiring in the room. Electrical outlets must be permanently capped or covered with a metal shield secured by tamper-proof screws. The room must contain lights which must be recessed or covered with screening, safety glass or unbreakable plastic. Any cover, cap or shield must be secured by tamper-proof screws;

The room must meet State Fire Marshal fire, safety, and health standards. If sprinklers are installed, they must be recessed and/or covered with a cage. If pop-down type, sprinklers must have breakaway strength of less than 80 pounds. In lieu of sprinklers, combined smoke and heat detector must be used with similar protective design or installation;

The room must be ventilated; heating and cooling vents must be secure and out of reach;

The room must be designed and equipped in a manner that would not allow a child to climb up a wall;

Walls, floor and ceiling must be solidly and smoothly constructed, cleaned easily, and have no rough or jagged portions.
Approval of Physical Restraint and Seclusion Training Programs for School Staff 581-021-0563

The Oregon Department of Education shall approve training programs in physical restraint and seclusion that:

• Teach evidence-based techniques that are shown to be effective in the prevention and safe use of physical restraint or seclusion

• Provide evidence-based skills training related to:
  – positive behavior support
  – conflict prevention
  – de-escalation
  – crisis response techniques

• Consistent with the philosophies, practices and techniques for physical restraint and seclusion that are established by rule or policy of the Department of Human Services
Oregon Best Practice Tips

- Train, train and retrain
  - Ensure certification does not lapse
  - Practice technique to prevent drift
  - Debrief after every incident
  - Retrain after incidences as is situationally necessary

- Communicate, communicate, communicate with parents and each other

- Invest in robust prevention practices
  - PBIS/MTSS
  - Trauma informed & culturally responsive
  - Function-based

- Collect and analyze data regularly
  - Individual student level data
  - Assure incidence documentation meets policy
  - Data for continuous improvement
Preparing for the Uh-Oh Moment

• Remember your own self-control plan
  – SODA (stop-observe-detach-awaken)
• Match level of response to threat posed
• This too shall pass (trauma informed lens)
• Practice non-identification
• Ask yourself “what is the worst thing that can happen if I do nothing?”
• Hold each other harmless (staff + students)
• Use the debrief meeting as an opportunity to move forward with efficacy
• Transform “should of, would of, could of” into reflective individual professional practice
When an FBA/BIP is Legally Required

Must conduct a functional behavioral assessment & develop, review or revise a behavior intervention plan within **45 school days** of receiving consent for every student who has:

- An individualized education program or a 504 Plan; and
- Placed the student, other students or staff at imminent risk of serious bodily injury as a result of the student’s behavior.

- Appropriately addresses student needs & correct implementional
- Service Provider Provisions

HB 3318 (OAR 581-015-2181), 2018
How “Successful” People Stay Calm

**Appreciation:** Increased mood, energy & physical well-being

**Avoid asking “what if?”:** Increases worry by creating non-existent scenarios

**Stay Positive/Squash Negative Self-Talk/Reframing**

**Disconnect:** 24/7 Availability not recommended

**They limit their caffeine intake:** Adrenaline

**They Sleep:** Sleep deprivation raises stress hormone levels

**They Breathe:** You’re doing this already!

**They Use Their Support System:** Outside perspective
USE OF PHYSICAL RESTRAINT & SECLUSION OARs
OAR 581-081-0550 to 581-021-0570:

581-021-0550: Definitions - Click here

581-021-0553: Use of Physical Restraint and Seclusion in Public Education Programs - Click here

581-021-0556: Program's Procedures Regarding Physical Restraint & Seclusion - Click here

581-021-0559: Reporting Requirements for the Use of Physical Restraint & Seclusion - Click here

581-021-0563: Approval of Physical Restraint and Seclusion Training Programs for School Staff - Click here

581-021-0566: Required Use of Approved Restraint and Seclusion Programs - Click here

581-021-0568: Standards for Seclusion Rooms - Click here

581-021-0569: Use of Seclusion Cells Prohibited - Click here

581-021-0570: Complaint Procedures - Click here
References and Helpful Resources


Civil Rights Data Collection (2018)  
https://www2.ed.gov/about/offices/list/ocr/docs/school-climate-and-safety.pdf

Basic FBA to BIP (2018)  
http://basicfba.gseweb.org/

Oregon IEP Resources:  

Oregon Department of Education Restraint & Seclusion Resources:

- List of ODE Approved Restraint and Seclusion Programs - per OAR 581-021-0563

Forbes (2014) How Successful People Stay Calm:  
https://www.forbes.com/sites/travisbradberry/2014/02/06/how-successful-people-stay-calm/#724badeb2f79
Questions?

Lisa Bateman
Education Program Specialist
Office of Student Services
Oregon Department of Education
503-947-5655
lisa.bateman@ode.state.or.us

oregon TOGETHER