



June 28, 2022

RE: Annual Report on Restraint and Seclusion

Division 22 Requirement

See OAR 581-022-2267 Each entity that has jurisdiction over a public education program shall make its annual report about restraint and seclusion available to:

The public at the entity's main office and the website of the entity;

The school board or governing body overseeing the entity;

If the entity is an ESD, the component school districts of the ESD; and

If the entity is a public charter school, the sponsor of the public charter school.

In addition, parents and guardians of students in a public education program shall be advised at least once each school year about how to access the report.

Restraint and/or seclusion are safety responses utilized as a last resort when student behavior risk is high and when less restrictive interventions would not be effective. Restraint and/or seclusion are not behavioral or therapeutic interventions. Restraint and/or seclusion may not be used for discipline, punishment, retaliation or convenience of personnel, contractors or volunteers of the public education program. The use of any action designed for the primary purpose of inflicting pain upon a student in a public education program is prohibited.

School districts, education service districts (ESDs) and school boards shall adopt written policies to implement restraint and seclusion procedures consistent with and as indicated in ORS 339.285 to 339.308 and OARs 581-021-0550 through 581-021-0570 and 581-022-2267, and shall inform teachers, administrators, school employees and school volunteers of those policies.

Restraint may be used on a student in a public education program only if 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. "Substantial physical or bodily injury" means any impairment of the physical condition of a person that requires some form of medical treatment.

Seclusion may be used on a student in a public education program only if 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. "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. Note that, while both restraint and seclusion are to be used as a last resort, the threshold for use of seclusion (i.e., imminent and serious bodily injury) is higher than that for restraint (i.e., imminent and substantial physical or bodily injury).

Under OAR 581-015-2181, a school district must conduct a functional behavioral assessment and develop, review or revise a behavior intervention plan within 45 school days of receiving parental consent to conduct the assessment for every student who:



- Has an individualized education program (IEP) 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.

If a functional behavioral assessment has been previously completed, the school district must review and/or revise the existing functional behavior assessment.

When a behavior intervention plan is developed, reviewed or revised, the school district must:

- Ensure that the behavior intervention plan is based on a functional behavioral assessment that was conducted by a qualified person;
- Ensure that the behavior intervention plan appropriately addresses the student's needs;
- Allow service providers involved in the incident when the student, other students or staff were at imminent risk of serious bodily injury to provide meaningful input into the development, review or revision;
- Inform the service providers about any portions of the behavior intervention plan that are relevant to the service providers and about any training opportunities for the service providers; and
- Ensure that the behavior intervention plan was correctly implemented before making any revisions.

There are further specific rules under which restraint and/or seclusion may be used in public education programs. Rules include established time limits and parameters for seclusion and/or restraint such as access to bathroom, water breaks, and the continuous monitoring of the situation by staff and administrators.

The statute and related rules also specify the following:

- Parent(s)/guardian(s) of students who are restrained and/or secluded are to be notified of the incident by the end of the school day in which the incident occurred.
- Parent(s)/guardian(s) of students who are restrained and/or secluded must receive written documentation of the incident within twenty-four hours of the incident that provides a description of the restraint and/or seclusion, including:
 - The date of the restraint and/or seclusion
 - The times when the restraint and/or seclusion began and ended
 - The location of the restraint and/or seclusion
 - A description of the student's activity that prompted the use of restraint and/or seclusion
 - Efforts used to de-escalate the situation and the alternatives to restraint and/or seclusion that were attempted
 - The names of the personnel of the public education program who administered the restraint and/or seclusion
 - Description of the training status of personnel who administered the restraint and/or seclusion.
 - If the personnel of the public education program who administered the restraint or seclusion had not received training from a program approved by the Oregon Department of Education



(ODE), parents(s)/guardian(s) will receive written notification of the lack of training and the reason the restraint and/or seclusion was administered by a person without training.

- Timely notification of a debriefing meeting to be held within two school days after each incident of restraint and/or seclusion and of the parent's or guardian's right to attend.
- Written notes must be taken of the debriefing meeting, and a copy of the written notes must be provided to a parent or guardian of the student.

- If a student is involved in five incidents in a school year involving restraint and/or seclusion, a team consisting of personnel of the public education program and a parent or guardian of the student must be formed for the purposes of reviewing and revising the student's behavior intervention plan and ensuring the provision of any necessary behavioral supports.
- Restraint and/or seclusion training programs approved by ODE must meet standards established by the Department of Human Services (DHS). The training of school personnel in restraint and/or seclusion must meet certain criteria, including the provision of evidence-based skills training related to positive behavior support, conflict prevention, de-escalation and crisis response techniques.
- Public education programs are required to select a training program from an approved list compiled by ODE, and provide training to school staff working with students in public education programs.

The Molalla River School District has selected Nonviolent Crisis Intervention by the Crisis Prevention Institute. PACE, our insurance provider, recommends, endorses, and trains MRSD staff every August prior to school starting. For more information, see:

<https://www.crisisprevention.com/Our-Programs/Nonviolent-Crisis-Intervention>

Reporting data have been suppressed as the number of total incidents for the 21-22 school year are less than Six.

Respectfully Submitted,

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