

# ALIGNMENT



The *Nonviolent Crisis Intervention*®  
Training Program and Oregon  
Administrative Rule 581-021-0550 to  
581-021-0566; Use of Physical Restraint  
and Seclusion



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## The *Nonviolent Crisis Intervention*® Training Program and Oregon Administrative Rule 581-021-0550 to 581-021-0566; Use of Physical Restraint and Seclusion

The following chart is designed to assist you in identifying ways in which CPI's *Nonviolent Crisis Intervention*® training program can help your facility meet the changes and amendments to ORS 161.205 and 339.250 created by the 2011 Oregon House Bill 2939. The requirements put forth in the bill took effect on July 1, 2012. This chart will assist you in identifying areas that may require a review and/or revision of your facility's policies and procedures.

### Program Alignment

#### SECTION 1. As used in Sections 1 to 6 of this 2011 Act:

- (1) (a) **"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.
  - (b) (A) **"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.
  - (B) **"Physical restraint"** does not include prone restraint as defined in section 2 of this 2011 Act.
- (2) **"Public education program"** means a program that:
  - (a) Is for students in early childhood education, elementary school or secondary school;
  - (b) Is under the jurisdiction of a school district, an education service district or another educational institution or program; and
  - (c) Receives, or serves students who receive, support in any form from any program supported, directly or indirectly, with funds appropriated to the Department of Education.
- (3) (a) **"Seclusion"** means the involuntary confinement of a student alone in a room from which the student is physically prevented from leaving.
  - (b) **"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.
- (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.

SECTION 2	<i>Nonviolent Crisis Intervention</i> <sup>®</sup> Training Program
<p>(1) The use of a mechanical restraint, chemical restraint or prone restraint on a student in a public education program in this state is prohibited.</p> <p>(2) The use of physical restraint or seclusion on a student in a public education program in this state is prohibited unless used as provided in section 3 of this 2011 Act.</p> <p>(3) As used in this section:</p> <p>(a) <b>“Chemical restraint”</b> means a drug or medication that is used on a student to control behavior or restrict freedom of movement and that is not:</p> <p>(A) 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</p> <p>(B) Administered as prescribed by a licensed physician or other qualified health professional acting under the professional’s scope of practice.</p> <p>(b) (A) <b>“Mechanical restraint”</b> 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.</p> <p>(B) <b>“Mechanical restraint”</b> does not include:</p> <p>(i) A protective or stabilizing device ordered by a licensed physician; or</p> <p>(ii) A vehicle safety restraint when used as intended during the transport of a student in a moving vehicle.</p> <p>(c) <b>“Prone restraint”</b> means a restraint in which a student is held facedown on the floor.</p>	<p>The physical interventions taught within the <i>Nonviolent Crisis Intervention</i><sup>®</sup> training program are designed to be used as a last resort for behavioral emergencies in which the individual’s behavior is more dangerous than the risks associated with the use of restraint and seclusion.</p> <p>CPI does not teach the use of mechanical or chemical restraints, only physical restraints. CPI teaches only standing and seated restraint positions in our basic <i>Nonviolent Crisis Intervention</i><sup>®</sup> training program.</p> <p>All use of restraint or seclusion should be a last resort and utilize the least restrictive intervention possible. All efforts to avoid the use of restraint and seclusion should be made. The use of restraint should be discontinued at the earliest possible moment when the individual is no longer a danger to self or others.</p>

**SECTION 3*****Nonviolent Crisis Intervention®*  
Training Program**

- (1) (a) Physical restraint or seclusion may be used on a student in a public education program only if:
  - (A) The student's behavior imposes a reasonable threat of imminent, serious bodily injury to the student or others; and
  - (B) Less restrictive interventions would not be effective.
- (b) Physical restraint or seclusion may not be used for discipline, punishment, or convenience of personnel of the public education program.
- (2) If physical restraint or seclusion is used on a student, the physical restraint or seclusion must be:
  - (a) Used only for as long as the student's behavior poses a reasonable threat of imminent, serious bodily injury to the student or others;
  - (b) Imposed by personnel of the public education program who are:
    - (A) Trained to use physical restraint or seclusion through programs described in section 6 of this 2011 Act; or
    - (B) Otherwise available in the case of an emergency circumstance when personnel described in subparagraph (A) of this paragraph are not immediately available due to the unforeseeable nature of the emergency circumstances; and
  - (c) Continuously monitored by personnel of the public education program for the duration of the physical restraint or seclusion.
- (3) In addition to the requirements described in subsection (2) of this section, if physical restraint or seclusion continues for more than 30 minutes:
  - (a) The student must be provided with adequate access to the bathroom and water every 30 minutes;
  - (b) Personnel of the public education program must immediately attempt to verbally or electronically notify a parent or guardian of the student; and
  - (c) 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 of the physical restraint or seclusion, including providing documentation for the reason the physical restraint or seclusion must be continued.

The physical interventions taught within the *Nonviolent Crisis Intervention®* training program are designed to be used as a last resort for behavioral emergencies in which the individual's behavior is more dangerous than the risks associated with the use of restraint and seclusion.

All use of restraint or seclusion should be a last resort and utilize the least restrictive intervention possible. All efforts to avoid the use of restraint and seclusion should be made. The use of restraint should be discontinued at the earliest possible moment when the individual is no longer a danger to self or others.

Restraint should only be used to protect—not punish, and should never be used as discipline or for staff convenience. Additionally, only staff members who have been trained and have demonstrated competencies in the safe application of restraint and seclusion should perform a restraint or seclusion.

As part of the curriculum, CPI teaches that all use of restraint and seclusion should be continuously monitored by an individual not directly involved in the restraint or seclusion. This individual can continue the verbal de-escalation when appropriate and monitor for signs of distress.

CPI cautions policy makers about establishing time limits as, sometimes, maximum time limits are viewed as minimums and a student is held past the point of the emergency. CPI advocates that each event of restraint or seclusion end at the earliest possible moment when the student is no longer an imminent danger to self or others.

SECTION 4	<i>Nonviolent Crisis Intervention®</i> Training Program
<p>(1) Each entity that has jurisdiction over a public education program must establish procedures for the public education program to follow after an incident involving the use of physical restraint or seclusion.</p> <p>(2) Following an incident involving the use of physical restraint or seclusion, the following must be provided to a parent or legal guardian of the student:</p> <ul style="list-style-type: none"> <li>(a) Verbal or electronic notification of the incident by the end of the school day when the incident occurred.</li> <li>(b) Written documentation of the incident within 24 hours of the incident that provides: <ul style="list-style-type: none"> <li>(A) A description of the physical restraint or seclusion including: <ul style="list-style-type: none"> <li>(i) The date of the physical restraint or seclusion;</li> <li>(ii) The times when the physical restraint or seclusion began and ended; and</li> <li>(iii) The location of the physical restraint or seclusion.</li> </ul> </li> <li>(B) A description of the student’s activity that prompted the use of physical restraint or seclusion.</li> <li>(C) The efforts used to de-escalate the situation and the alternatives to physical restraint or seclusion that were attempted.</li> <li>(D) The names of the personnel of the public education program who administered the physical restraint or seclusion.</li> <li>(E) A description of the training status of the personnel of the public education program who administered the physical restraint or seclusion, including any information that may need to be provided to the parent or guardian under subsection (3) of this section.</li> </ul> </li> </ul> <p>(3) If the personnel of the public education program who administered the physical restraint or seclusion had not received training as provided by section 6 of this 2011 Act, the administrator of the public education program shall ensure that a parent or guardian of the student and the district superintendent receive written notification of:</p> <ul style="list-style-type: none"> <li>(a) The lack of training; and</li> <li>(b) The reason the physical restraint or seclusion was administered by a person without training.</li> </ul> <p>(4) (a) A debriefing meeting related to the use of physical restraint or seclusion 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.</p> <p>(b) 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.</p>	<p>Postvention is a vital component in the efforts of reducing or eliminating restraint and seclusion use. Debriefing and documentation serve as tools to prevent future occurrences of risk behavior. Engaging all parties, including parents, in the process can lead to a more productive and effective plan for the future.</p> <p>CPI recommends documenting the incident as soon as possible following its occurrence. As suggested here, we teach that the report should be an objective account of the student’s behaviors and the staff’s response and encourage schools to document such information for each level of the <i>CPI Crisis Development Model</i><sup>SM</sup>.</p> <p>CPI believes training should be an ongoing process. Aside from the initial course, CPI recommends that all staff members receive a formal refresher every 6 to 12 months, ensuring that all staff who might use restraint and seclusion are adequately trained. In addition to the initial course and formal refreshers, CPI recommends practices, drills, policy reviews, situational applications, and content reviews as part of the ongoing Training Process. Training in an ongoing manner reinforces learning transfer and reduces training drift.</p>

**SECTION 5*****Nonviolent Crisis Intervention®* Training Program**

- (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 as provided by section 6 of this 2011 Act.
  - (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)
  - (a) 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;
    - (B) The 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; and
    - (D) If the entity is a public charter school, the sponsor of the public charter school.
  - (b) 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.

CPI is equipped to support organizations in their data collection efforts.

CPI recommends that all incidents of restraint and seclusion be documented and evaluated as part of the Postvention process of re-establishing a Therapeutic Rapport. Evaluation of the data allows for a process of continuous quality improvement, as educational programs strive to reduce or eliminate their use of restraint and seclusion. Ensuring an active feedback loop on progress is instrumental in achieving a positive culture change.

SECTION 6	<i>Nonviolent Crisis Intervention</i> <sup>®</sup> Training Program
<p>The Department of Education shall approve training programs in physical restraint and seclusion that:</p> <ol style="list-style-type: none"> <li>(1) Teach evidence-based techniques that are shown to be effective in the prevention and safe use of physical restraint or seclusion;</li> <li>(2) Provide evidence-based skills training related to positive behavior support, conflict prevention, de-escalation and crisis response techniques; and</li> <li>(3) Are 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.</li> </ol>	<p>CPI has been approved by the Oregon Department of Education as a provider of evidence-based training in the prevention and safe management of assaultive and disruptive behavior. CPI's curriculum meets all the expectations outlined in ORS 161.205 and 339.250.</p> <p>Organizations can contact CPI directly for copies of its white papers that speak to the effectiveness and the evidence base for the <i>Nonviolent Crisis Intervention</i><sup>®</sup> training program.</p>