OFFICE OF THE SECRETARY OF STATE
LAVONNE GRIFFIN-VALADE
SECRETARY OF STATE

CHERYL MYERS
DEPUTY SECRETARY OF STATE
AND TRIBAL LIAISON

ARCHIVES DIVISION
STEPHANIE CLARK
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

PERMANENT ADMINISTRATIVE ORDER

FILED
02/16/2024 3:43 PM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

ODE 8-2024
CHAPTER 581
OREGON DEPARTMENT OF EDUCATION

FILING CAPTION: Procedures Regarding Restraint and Seclusion Rule Revisions

EFFECTIVE DATE: 02/16/2024

AGENCY APPROVED DATE: 02/15/2024

CONTACT: Haedon Brunelle
503-508-3886
haedon.brunelle@ode.oregon.gov

255 Capitol St. NE
Salem,OR 97301

Filed By:
Haedon Brunelle
Rules Coordinator

AMEND: 581-021-0556

RULE TITLE: Procedures Regarding Restraint and Seclusion

NOTICE FILED DATE: 12/22/2023

RULE SUMMARY: This rule specifies the procedures regarding restraint and seclusion of students in each entity that has jurisdiction over a public education program. This rule requires parental notice to parents and guardians of use of restraint and seclusion, a description of restraint or seclusion that took place, access to recordings, and more.

RULE TEXT:
(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 restraint or seclusion.
(2) Following an incident involving the use of restraint or seclusion, the following must be provided to a parent or guardian of the student:
(a) Verbal or electronic notification of the incident by the end of the school day when the incident occurred.
(b) Written documentation of the incident within 24 hours of the incident that provides:
(A) A description of the restraint or seclusion, including:
(i) The date of the restraint or seclusion;
(ii) The times when the restraint or seclusion began and ended; and
(iii) The location of the restraint or seclusion.
(B) A description of the student's activity that prompted the use of restraint or seclusion.
(C) The efforts used to de-escalate the situation and the alternatives to restraint or seclusion that were attempted.
(D) The names of the personnel of the public education program who administered the restraint or seclusion.
(E) A description of the training status of the personnel of the public education program who administered the restraint or seclusion, including any information that may need to be provided to the parent or guardian under subsection (3) of this rule.
(c) Timely notification of a debriefing meeting to be held and of the parent's or guardian's right to attend the meeting.
(d) Immediate, written notification of the existence of any records related to an incident of restraint or seclusion, including photos or audio or video recording.
(e) For purposes of this subsection, “immediate” means to act as soon as possible without undue delay, but in no case

later than within 24 hours of the incident.
(3) If the personnel of the public education program who administered the restraint or seclusion had not received training from a program approved by the Department of Education, as required and in accordance with OAR 581-021-0563, the administrator of the public education program shall ensure that a parent or guardian of the student and the district superintendent or, if the public education program is a Youth Corrections Education Program provider under contract with the department, a Juvenile Detention Education Program provider under contract with the department, or a program that receives moneys pursuant to ORS 343.243, the person who oversees the administration of the program, receive written notification of:
(a) The lack of training; and
(b) The reason the restraint or seclusion was administered by a person without training.
(4) A debriefing meeting related to the use of restraint or seclusion must be held within two school days of the incident.
(a) The parent or guardian of the student must be invited to attend.
(b) The meeting must include all personnel of the public education program who were involved in the incident, and any other appropriate personnel.
(c) 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.
(d) The parent or guardian has the right to request another meeting in the event they were unable to attend the debriefing meeting that was required to be held within two school days of the restraint or seclusion incident.
(5) If a student is involved in five incidents in a school year involving restraint 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 plan and ensuring the provision of any necessary behavioral supports.
(6) If serious bodily injury or death of a student occurs in relation to the use of restraint or seclusion:
(a) Oral notification of the incident must be provided immediately to a parent or guardian of the student and to the Department of Human Services; and
(b) Written notification of the incident must be provided to the Department of Human Services within 24 hours of the incident.
(7) If serious bodily injury or death of personnel of the public education program occurs in relation to the use of restraint or seclusion, written notification of the incident must be provided to the following individuals within 24 hours of the incident:
(a) The district superintendent, to the Superintendent of Public Instruction and, if applicable, the union representative for the affected party; or
(b) If the public education program is a Youth Corrections Education Program provider under contract with the department, a Juvenile Detention Education Program provider under contract with the department, or a program that receives moneys pursuant to ORS 343.243, the person who oversees the administration of the program and, if applicable, the union representative for the affected party.
(8) A public education program shall maintain a record of each incident in which injuries or death occurs in relation to the use of restraint or seclusion.
(9)(a) A public education program shall preserve, and may not destroy, any records related to an incident of restraint or seclusion, including an audio or video recording. The records must be preserved in the original format and without any alteration.
(b) The public education program shall review any audio or video recording preserved under this subsection in its original format and without any alteration at the debriefing meeting required to be held within two school days of the incident. The parent or guardian must be invited to the debriefing meeting at which the audio or video recording will be reviewed. The audio or video shall be reviewed in its entirety.
(10)(a) At the request of a student’s parent or guardian, a public education program shall disclose records preserved under this section to the parent or guardian. To the extent practicable without altering the meaning of the record, the public education program shall segregate or redact from a record disclosed under this paragraph any personally

identifiable information of other students. If the public education program is unable to segregate or redact personally identifiable information of other students without altering the meaning of the record, the public education program shall disclose the record to the student's parent or guardian in its original format and without any alteration.
(b) If the department is investigating the incident of restraint or seclusion as suspected child abuse, at the request of the department, the public education program shall disclose to the department or the department's designee any records preserved under this section that are relevant to the department's investigation. The public education program shall disclose any record under this paragraph in its original format and without any alteration.
(c) For purposes of this subsection, "disclose" means to inform the student's parent or guardian that the record exists; that the record in its original format and without alteration will be available for review by the parent or guardian privately and in the debriefing meeting; and that a copy of the record will be provided to the student's parent or guardian upon request in its original and unaltered form except to the extent that a redaction is needed to protect the personally identifiable information of another student.
(11) Pursuant to ORS 161.205 and 339.250, an individual who is a teacher, administrator, school employee or school volunteer may use reasonable physical force upon a student when and to the extent the application of force is consistent with ORS 339.285 to 339.303 and OAR 581-021-0553.
(12) District 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 to 581-021-0570, and shall inform teachers, administrators, school employees and school volunteers of those policies.

STATUTORY/OTHER AUTHORITY: ORS. 326.051

STATUTES/OTHER IMPLEMENTED: ORS 339.285 - 339.303