

## **CPI *Unrestrained* Transcription**

Episode 46: Reece Peterson and Elisabeth Kane

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Host: Terry Vittone

Terry: Hello and welcome to *Unrestrained*, the CPI podcast series. This is your host, Terry Vittone, and today, I'm joined by Reece Peterson and Elisabeth Kane from the University of Nebraska–Lincoln. Hello and welcome, Reece and Elisabeth.

Elisabeth: Hello.

Reece: Hello and welcome.

Terry: Hello. Our interview today is with two subject matter experts in the field of crisis intervention training programs and the use of restraint and seclusion in schools, and our interview will center on those topics. Before we begin, let me give you some background on our guests.

Reece L. Peterson is an Emeritus Professor of Special Education at the University of Nebraska–Lincoln, specializing in the education of students with emotional or behavioral disorders. His interests include intervention for students with behavioral needs, student discipline in school, school violence prevention, as well as special education policy. He is an author of a book and several articles on the use of physical restraint and seclusion procedures in schools. He testified before the U.S. House of Representatives hearings as an expert witness on this topic in 2009, and Reece has also directed a national research project on school violence prevention.

Elisabeth J. Kane is a doctoral candidate in School Psychology at the University of Nebraska–Lincoln. She has received training in two different models of crisis intervention and has authored several articles on the use of physical restraint and seclusion procedures in schools. She has helped to design a study of crisis intervention training and has served as an expert witness on the topic of safe use of physical restraint for a case pertaining to students with disabilities who had experienced undocumented and unreported physical injuries and abuse.

Okay, let's begin. Reece, your teaching and research is focused on violence prevention, intervention, and addressing the needs of students with emotional-behavioral disorders in school settings. Over the past 10 years, you have focused

much of your research on the use of crisis intervention procedures, and specifically the use of physical restraint and seclusion procedures in schools. Could you begin our interview today by explaining why you chose to focus on crisis intervention and physical restraint and seclusion procedures?

Reece: Yes, amazingly, it was really a great deal of circumstance that resulted that way. I had a doctoral student I was working with, who is now Dr. Joe Ryan at Clemson University. He did a student paper on the topic of crisis intervention and physical restraint and seclusion procedures that resulted in us attending a conference at Cornell University several years ago. And what we discovered is that there were very few people who had done any examination or research about the use of crisis intervention in school settings. Almost all of the works that have been done would have been done in residential treatment centers or hospitals or even with adults. So, as a result, he and I continued to work in that area and began to be involved in research with several other people as well. And as a result of that, when the federal law was being proposed, that related to the use of these procedures in school settings, I think that's how I happened to get called upon for that hearing. So it wasn't planned fully but obviously this fits within the broader issue of violence in schools as well as the idea of sometimes these procedures have been used as a disciplinary response in schools. So that's kind of the background.

Terry: So you're really a trailblazer in the pedagogical research of crisis intervention in schools?

Reece: Yes, at least as it relates to schools. Many others have done work in other areas.

Terry: Right. Okay. Now, in 2009, Secretary of Education Arne Duncan called for all states and school districts to examine their policies and the use of restraint procedures in schools in order to prevent abuse of situations. Could you describe his initiative and talk about if it has had a meaningful impact on legislation and action in schools?

Reece: Mm-hmm. Well, as you know and most people know, there have been no federal laws passed that relate to the use of physical restraint or seclusion or crisis intervention in schools, although several of these bills have been proposed over the years. And at the time that these bills are being proposed, the Secretary at the time, Arne Duncan at the U.S. Department of Education, came out with what was called a [guidance document](#) [PDF] for schools. And that this guidance document contained 15 principles that schools should consider in their use of these procedures. And at that time, Secretary Duncan recommended that schools develop their own policies in accord with these 15 principles.

So, right now, that guidance, even though it has been quite a while since it was published, remains the only real federal guidance on this topic at that level. And that probably has stimulated a lot of state policy development.

Terry: Well, that leads to my next question. Do you feel that that document has influenced states' individual policies on restraint and seclusion, and maybe helped them to standardize their approach to restraint, seclusion, and crisis intervention? Do they not vary so greatly, or perhaps is there more awareness than there was in 2009?

Reece: I think yes. That has promoted the development of these states' policies. And actually, there have been a couple of fairly recent studies of these policies according to—there was a group, Marx and Baker, [who] did a study; they say 38 states now have existing legislation and 45 have policy on restraint and seclusion. [*Analysis of Restraint and Seclusion Legislation and Policy Across States: Adherence to Recommended Principles* by Teri A. Marx, PhD, and Joshua N. Baker, PhD, *Journal of Disability Policy Studies*, March 27, 2017 – an *Education Week* article about the study, including a link to the abstract, can be found [here](#).] And I'm not sure how many of those states had policies prior, but I would suspect that most all of these states that now have policies were stimulated in part by the federal initiative and Arne Duncan's guidance document.

In terms of standardization, they do have many of the components that Secretary Duncan recommended, but there are also other components that are not frequently included in these policies. So they do vary considerably in terms of their contents as to whether they actually embody all of the components that Secretary Duncan had recommended.

Elisabeth: Yeah, I think that Marx and Baker, they looked at it and found that there are some of the principles that are commonly addressed such as imminent danger, the need for it to be in emergency use procedures, but other ones are really not being covered often such as reviewing and updating policies. So, it just kind of depends. And I think something that we have found is that even when these components are addressed, is there's just a lot of variance in how much detail or guidance is provided across states. So, I think we're not seeing standardization in that aspect.

Terry: I see. Any feel for the, I guess, the impact that this legislation and this awareness has caused since 2009? I mean, do you feel that there is an appreciable difference? This is, I guess, a difficult judgment to make, especially without an evidence-based study, but what's the feel out there, I mean, when you talk to people?

Reece: Well, it is hard to read that. On the one hand, the level of discussion about these topics has diminished in part perhaps because in the states that have policies, they feel that the policy at the state level is addressing it. So, that's on the one hand. On

the other hand, there continues to be these incidents occurring and often reported in the media where these procedures are used either abusively or without adequate supervision and the like, resulting in injuries to kids and others. And those situations that are reported in the media often don't seem to be in compliance with what we would expect policies to cover. So, it's kind of a mixed bag there. Certainly, it's a good thing, I think, that these states have policies. But it is also not the solution.

Terry: I see. Well said.

Reece: And in fact, this Marx and Baker study (and I can forward that link to you) even indicated that there doesn't seem to be a pattern in the local districts that are having difficulty being only in the states that don't have policies. In fact, it seems to be a mixed bag even with policies; there are districts that are having trouble. And on the other hand, in the states that don't have policies, there are districts that seem to be doing a really good job.

Terry: So, awareness and effectiveness is kind of scattershot then, and there doesn't seem to be maybe a consistent coming to form or an understanding of these principles and procedures that might happen if, say for instance, a meaningful federal legislation was enacted?

Reece: I think that's true. The scattershot notion is probably accurate, and it could be facilitated by federal legislation but, you know, it remains to be seen. I think a lot of this probably does boil down to what happens at the local level, and whether alert administrators are aware of these issues and provide adequate training and supervision.

Terry: I see. Well, something that might begin to raise their awareness of it is your 2010 journal article, [A Review of Crisis Intervention Training Programs for Schools](#) [PDF], in which you write, "The number of students with serious behavior issues who are served in general school settings has increased dramatically." And you go on to write that "ineffective educational programming (e.g., failure to provide appropriate curricular, instructional, and/or behavioral interventions) may exacerbate the behavioral difficulties of some students, leading to a vicious cycle of antecedents that set the stage for problem behavior."

So really, leaning back to the scattershot idea, do you think that this vicious cycle has been diminished, if probably not broken as we see, but is there a rising tide of awareness that you sense out there? I guess that's a difficult question but a fair one, I think.

Reece: Yes, it is difficult, and yeah, I don't know. I have mixed feelings about that. Certainly, there's more awareness than there was 5 or 10 years ago and people do

recognize the problem, that this is a problem area when kids are being injured and so on. On the other hand, it surprises me continuously that there's a lack of awareness in some districts, and that people seem just kind of oblivious to the dangers that are involved with both not intervening as well as intervening with kids in this way.

Terry: And do you feel, when you write that the number of students with serious behavioral issues who are served in general school settings has increased dramatically, do you feel that it is more of an awareness and a reporting issue, or do you feel that's a societal issue and sort of the fallout from other cultural things that are creating these behavioral issues?

Reece: Well, I think we're more aware of kids with behavioral needs and the varieties of behavioral needs that these youngsters may have. And also, I think there's data that the mental health needs of kids are increasing. So there's more kids with more serious difficulties in these behavioral areas. And those kids are also being seen of more frequently in public school settings whereas they may have been sent to day or residential treatment programs in the past. So I definitely believe that there is more demand, more problems in these areas than in the past. And as a result, many schools are moving to do a better job of the use of physical restraint and seclusion and their overall crisis intervention. But on the other hand, not all schools are keeping up with those kinds of things.

Terry: Now also in your 2010 journal article, *A Review of Crisis Intervention Training Programs for Schools*, and I believe that this is really the first journal article of its kind focusing on crisis intervention training in schools—so certainly a groundbreaking article—is an in-depth comparison of CPI and 12 of our competitors. And you compare aspects of these programs: the purpose of the program, terminology used, components of training, time allotted for each training component, training and certification research requirements, types of program offers, and instructional strategies incorporated when in training. You go on to write that "one of the most significant differences among the programs had to do with the relative emphasis placed on restraints versus crisis antecedents and conflict de-escalation." Can you elaborate on these differences, and do you feel the programs have become more similar in their focus on de-escalation and restraint specifically as a last resort?

Reece: I'll have Elisabeth respond to that. She was heavily involved in that study.

Elisabeth: What we did was we have a more recent updated version of this study that has not been published yet, but we've presented on it several times. And we can also send you the links to that. But I think both in that previous study and this one, what we're really referring to is the amount of time in training that's spent on these different training components. I think that overall there's a pretty consistent focus

or understanding that crisis de-escalation is really important and that prevention should be a focus and is important, and that restraint should be reduced. But I think there is a difference on how programs are approaching this. And so, some programs are spending more time on crisis de-escalation and identifying antecedents whereas others are spending more time on making sure that—focusing on practicing the restraint procedures.

And we have talked about a lot of that, although where we talk about in these articles how much time is spent on these different procedures doesn't necessarily mean that, you're, you know, because you're spending more time on restraint that you're promoting its use, because these procedures carry a lot of risk. So it's important that staff are trained on understanding the risks of them, how to understand the situation, how to appropriately intervene safely.

And just for an update on that more recent study, we will often—across the programs about 41% on average of time and training is spent on crisis de-escalation, and about 21% of the time on average is spent on restraint. So, there's definitely that—a greater emphasis on crisis de-escalation, but restraint is the second component.

Reece: And that holds across all of the different training programs that are offered.

Elisabeth: Mm-hmm. So for instance, like across the programs for crisis de-escalation, anywhere from 20% to 60% of their time in training is focused on crisis de-escalation, and then for restraint, it's anywhere from 8% to 50% of their time and training is focused on those procedures.

Reece: And I should mention that all of the data for this more current study is available on our website, so we can provide that link as well.

Terry: Why don't you tell us the link right now and we'll also print it in the article?

Reece: Okay. I think it is <https://k12engagement.unl.edu/>

Terry: I don't mean to put you on the spot, nicely done.

Elisabeth: Yes. And then there's a behavior and discipline tab. And at the bottom of that, there's physical restraint and seclusion.

Terry: Excellent.

Reece: And that will lead you, I believe, to some slide sets, a variety of resource materials, the information about the current study, and so on.

- Elisabeth: Yes, there's a button there that says: Crisis Intervention Training Programs Study, and that's the one where you'll get the data:  
Main page: <https://k12engagement.unl.edu/study-crisis-intervention-training-programs>  
[PDF]: <https://k12engagement.unl.edu/ConsumerGuidePrelimDataforwebsite2-18-16color.pdf>
- Reece: And there are pie charts for each individual training program, all 17 of the ones that responded to our study that are there. So, you can compare side-by-side each of these different programs in terms of how they responded as to how they emphasize their time, training time.
- Terry: So, are you finding since the first 2010 article in this update that the programs more diverge or agree with each other, would you say?
- Reece: It's hard to tell because the states were a little bit different. I would say that they are maybe coming together to focus on prevention more than they did in the past and probably also more on de-escalation than in the past.
- Elisabeth: Yes. And as I said, I think that there's definitely that shared emphasis. And it might not always come across in the pie charts, because as I said, just because you're spending more time on the restraint topic doesn't mean that during that process you're not emphasizing that, you know, prevention is really important.
- Reece: But as I'm sure you know, each of these programs has their own sets of terminology, their own techniques, their own ways of communicating this content. So on the one hand, I don't mean to say that they're all just the same. There are perhaps important differences but at least in terms of the raw content in these major categories, they are becoming more focused on these prevention and de-escalation components.
- Terry: Well, that's great. That kind of answers my next question. Although a lot of these programs refer to prevention or conflict de-escalation components, one thing that we still fight at CPI quite often among the populations that we train and serve is a perception that we teach restraint or "take down" training. And we're really trying to counter that with the preventative aspect of our training and our behavioral models. So, do you see evidence that prevention, rather than reaction such as restraint, is becoming a more prevalent mode of the way people think about challenging behavior?
- Reece: Yes, I think so. And also, and I'm not aware of how CPI does this, but many of the programs, I think, are trying to train a broader group of educators on the prevention and de-escalation components of the training without all of those educators receiving the other parts of the training, and which are usually reserved

for a smaller team of individuals within a school or a program. So I think the broadening of that training to larger audiences, the prevention and de-escalation components, is an extremely valuable and important outcome. And I think many of the programs are trying to do that.

Terry: That's a great observation. Thank you. Let's move into something that we hear about in the news lately, and I think people will know the sound of it if not the details, and that's the Senate Bill H.R. 927, which is known as Keeping All Students Safe Act, prohibiting schools from using specific kinds of restraints and seclusion, as well as requiring school staff to be trained in state-approved crisis intervention training. There hasn't been a lot of momentum or action in getting this bill passed. And in your presentation, *A Consumer's Guide to Crisis Intervention Training Programs* from the Midwest Symposium for Leadership in Behavior Disorders that happened in February of 2016, you indicate that none is likely. In your opinion, is this purely politics before policy?

Reece: I'm afraid to say, yeah, I think it pretty much is. Right now, our federal government is purely stagnant and not able to come to consensus on a variety of issues. And also, there is some concern that the federal government should not be engaging in discussions of specific kinds of procedures, policies, and so on, for schools because education and schooling is viewed as a state function rather than a federal government function. So, there's all of these kinds of issues that are interfering with the movement forward of bills like that H.R. 927, and some of those bills. None of those bills are currently introduced so far as I know in the current Congress, and given the political environment, I don't see them going forward. However, I don't think that that ends the initiative because I think there are still states that are moving forward, and whether or not they have state legislation, there are things that are promoting further work and development and thinking on this topic.

A couple things we didn't mention, there was a letter to colleagues at the Office of Civil Rights put forward that basically suggests to schools that they need to be keeping data to show that there is not discrimination in their use of restraint and seclusion with kids with disabilities or minorities. So that is still something: a federal issue that is applying to districts. And things like that, there was also a part of the federal education bill, the Every Student Succeeds Act, which implied that states and districts need to plan on how they're going to diminish the use of aversive procedures. And that specifically included the use of physical restraint and seclusion. So, there are these kinds of minor pokes to progress but not in the form of a federal legislation. I don't see that coming any time soon due to the politics.

Terry: I see. Now, is it your opinion, both Reece and Elisabeth, that crisis intervention training should be required, and if not on a federal level, then at least state-approved? Is that something that should be in place?

Reece: Yes. I think we both agree that training is useful, and particularly again, those prevention and de-escalation components should be provided and available. Some states do approve this type of training, but one of the concerns we have is that there is no oversight body that would accredit training, which means that in addition to the 17 main vendors that we identified in our study, there are probably all kinds of individuals out there offering training, but we don't know what the contents of those training programs are. And this is an area that needs to be addressed.

Elisabeth: Yeah, I totally agree on that. And I think one thing too that training should focus on is helping with the fidelity of that implementation in schools, because I think although we are seeing this great focus on prevention and crisis de-escalation, it's still not always translating into the schools because we definitely are seeing these procedures used as not as last-resort procedures. So, I think it's important that they have training, and I think that we continue to work on how that training is implemented in the schools with fidelity.

Terry: I see. Well, finally today, I guess this is maybe difficult to ask people in academia but I'm going to, do you, Reece and Elisabeth, feel optimistic that public awareness of the danger of the restraint and seclusion in schools is going to translate one day in the not-too-distant future into meaningful policy and legislation on state if not federal level?

Elisabeth: No. I'm hopeful but so far, at least I guess as we said at the federal level, I'm not sure that that's going to happen. I think, unfortunately, a lot of these policies are reactive to events that occur instead of proactive. So, I'm optimistic but we'll see where that goes.

Reece: And I, too, am optimistic that we are continuing as educators nationwide to work on this topic, but my optimism is tampered with a bit of frustration because we continue to see these instances where there is not awareness, not progress, and therefore as a result where there are these abusive or injurious conditions that are occurring in schools. So it's kind of a mixed bag I guess I'd say. I want to keep optimistic, and certainly things are moving forward, but there's also a recognition that there's really serious problems still out there in the schools to be worked on.

Terry: Indeed, and thank you for those words. And, we see, in Louisiana recently a bill that is not passed but was put into committee, I believe, about allowing corporal punishment and specific kinds of corporal punishment that included words such as slapping, this sort of a giant step backwards, I think [LAC 28:CXXXIX.2803 Corporal Punishment]. And so, I think we're combating a reactionary sort of political force these days with more progressive ideas that hopefully your journal article and your continuing studying will sort of make a roadmap for people to see where the

progress is and what's available to schools that want to take a more progressive approach.

Reece: Yes, actually. There was a similar bill in Nebraska that was, we think, a step backward this past year. But to me, what that focuses on is the need for better and more mental health services in the schools to address the needs of kids who are having more serious behavior problems. So rather than moving backwards to, you know, this kind of corporal punishment type approaches, I would hope that schools recognize that they need to hire more counselors, bring in expertise to solve these behavior problems rather than waiting until they are in a crisis.

Elisabeth: Oh, so, I was gonna say, yeah, continuing to address the underlying reasons for these behavior problems instead of reacting to them.

Terry: Well, Reece, you're referring to LB595, I think, in Nebraska, right? I think the apparent goal was to reduce violence in schools and to diminish inappropriate behavior. But [in your testimony to the Nebraska Legislature's Education Committee of February 7, 2017] you write, "I believe that the action this bill authorizes for school administrations and teachers are unlikely to accomplish these goals, and in fact, are likely to pose dangers which might be worse than the original problems identified in the bill." Could you talk, how is that such a mis—well, in these words, a misguided piece of legislation, how is it formed and why is that true about it, or why is that your—as a subject matter expert, your opinion on it?

Reece: So one thing is I think permitting teachers to lay their hands on kids poses an inappropriate model for kids, because what it suggests is that problem behaviors can be dealt with, with force, and in this case, even physical force. And I just think that that is inappropriate. I can see where teachers feel they want that because of their frustration with not being able to effectively serve the kids that they're asked to serve. But again, I really think that the solution is to provide better preventative services. Positive Behavior Interventions and Supports, for example, in schools, has a track record of reducing the kinds of behavior problems. Whereas corporal punishment or physical intervention not only doesn't have any evidence to support its effectiveness but it has a potential to actually damage and destroy relationships with kids. So, I think we need to move away from those kinds of solutions.

Terry: Well said. Thank you. Do you have any last words today, Reece or Elisabeth, that you'd like to offer about restraint and seclusion in schools and crisis intervention as a discipline?

Reece: No, except that I hope that the providers of training will continue to be able to work with the schools to show that their content of their training should be more broadly disseminated, again, especially these prevention and de-escalation

components. So I would like to see that happen, and that will be helpful to head off some of these bills that we just now discussed that are not gonna be very helpful.

Terry: All right. Well, thank you, Reece Peterson and Elisabeth Kane. They are two subject matter experts in the field of crisis intervention training, both with the University of Nebraska–Lincoln. Thank you so much today for the interview, Reece and Elisabeth.

Reece: Thank you.

Elisabeth: Thank you.

Terry: And thank you all for listening.