

November 9, 2015

Douglas H. Gill  
Assistant Superintendent, Special Education, OSPI  
P.O. Box 47200, Olympia, WA 98504-7200

RE: Amended Chapter 392-172A WAC – Comment Letter

To whom it may concern,

We would like to thank you for the opportunity to provide comment on behalf of the 29,000 active members of the Crisis Prevention Institute (CPI) Instructor Association regarding the proposed adoption of Amended Chapter 392-172A WAC. For over 35 years, CPI has been active in training mental health workers in the skills necessary to manage a crisis situation and to safely intervene physically when required. We share the Superintendent of Public Instruction's goals of reducing restraint through an emphasis on prevention and early intervention, and by focusing on appropriate restraint policies intended to reduce the risks of performing restraints.

CPI applauds the Superintendent of Public Instruction for its efforts in creating a comprehensive set of guidelines for staff to follow on the use of restraint with students. With that said, CPI would offer a few specific recommendations to the policy to improve the clarity and effectiveness of the rule for school staff as follows:

WAC 392-172A-02076 and WAC 392-172A-01109:

Stated Policy: WAC 392-172A-02076 supports the ideal in which restraint shall not be used unless there is "an imminent likelihood of serious harm." However WAC 392-172A-01109 defines likelihood of serious harm to include "A substantial risk that: (c) Physical harm will be inflicted by a person upon the property of others, as evidenced by behavior that has caused substantial loss or damage to the property of others;"

Recommendation: CPI would recommend the removal of WAC 392-172A-01109 section C as it is inconsistent with this section and subsequent sections that only qualify restraints used when a student is perceived to be a danger to themselves or others.

Stated Policy: (10) Any staff member or other adults using a restraint device must be trained and certified in the use of such restraint devices, or otherwise available in the case of an emergency when trained personnel are not immediately available due to the unforeseeable nature of the emergency.

Recommendation: Crisis intervention skills are perishable, in that if they are not frequently practiced, these skills can degrade over time. Most (roughly 80+%) of our customer retrain staff at least annually, some even more frequently. CPI would suggest adding a provision creating a specific schedule on staff training and staff retraining. CPI would advocate for a minimum of an annual refresher in the training curriculum to include an annual demonstration in written and physical competencies. Having been trained at one time in a given strategy does not assure a level of skill, competence or utility. Refresher training helps ensure that these critical skills do not degrade over time.

Refresher Frequency for Crisis Prevention Institute Customers:

6 months: **13%**

12 months: **68%**

24 months: **16%**

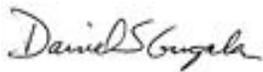
We don't do refresher training: **4%**

TechValidate survey of 965 users of Crisis Prevention Institute

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CPI believes that Superintendent of Public Instruction has incorporated many of the most important considerations within the policy that have proven to result in a successful adoption as seen in other, similar policy statements. In fact, many of the inclusions such as training requirements for staff conducting restraint and requiring restraint to be removed after the likelihood of harm has dissipated are important and sometimes overlooked elements in a policy such as this. We understand how challenging the drafting of a rule like this is and commend the Superintendent's for his efforts. We appreciate the opportunity to comment on this important policy and hope that you find these recommendations helpful. Should you have any further questions, or have an interest in discussing the recommendations I would encourage you to contact me via phone or email.

Sincerely,



Daniel Gugala

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