

## ALIGNMENT

# *The Nonviolent Crisis Intervention®* Training Program and The US Department of Education's Restraint and Seclusion Resource Document

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Alignment to Crisis Prevention Institute, Inc.  
(CPI) Training Programs

# The *Nonviolent Crisis Intervention*® Training Program and The US Department of Education's Restraint and Seclusion Resource Document

On May 15, 2012, the US Department of Education, in collaboration with the Substance Abuse and Mental Health Services Administration (SAMHSA), released "Restraint and Seclusion: Resource Document." This resource document outlines 15 principles designed to direct schools, districts, and states in developing policies and procedures around the use of restraint and seclusion in schools. Since July 31, 2009, when Secretary Arne Duncan sent letters to Chief State School Officers calling on them to review their current policies and guidelines on the restraint and seclusion in their states, CPI has watched as several states stepped up to the challenge and either created or updated their existing rules or guidelines on the use of restraint and seclusion. While over 20 states have taken action, there are still states that do not have state-level policies relating to the use of restraint and seclusion in their schools. During this time, CPI has also supported both the House and the Senate in crafting the various versions of the Keeping All Students Safe Act.

This alignment's intent is to review the 15 principles outlined in the Department of Education's resource document, and to speak to how implementation of the *Nonviolent Crisis Intervention*® Training program as part of a comprehensive ongoing Training Process can assist school districts in moving toward safer environments that are free from restraint and seclusion.

## Definitions

The US Department of Education uses the following definitions from the Civil Rights Data Collection (CRDC) as part of the resource document:

- **Physical Restraint:** a personal restriction that immobilizes or reduces the ability of a student to move his or her torso, arms, legs, or head freely. The term physical restraint does not include a physical escort.
- **Physical Escort:** a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is acting out to walk to a safe location.
- **Mechanical Restraint:** the use of any device or equipment to restrict a student's freedom of movement. This term does not include devices implemented by trained school personnel, or utilized by a student, that have been prescribed by an appropriate medical or related services professional and are used for the specific and approved purposes for which such devices were designed, such as:
  - o Adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports;
  - o Vehicle safety restraints when used as intended during the transport of a student in a moving vehicle;
  - o Restraints for medical immobilization; or
  - o Orthopedically prescribed devices that permit a student to participate in activities without risk of harm.
- **Seclusion:** the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. It does not include a timeout, which is a behavior management technique that is part of an approved program, involves the monitored separation of the student in a non-locked setting, and is implemented for the purpose of calming.

<p>1. Every effort should be made to prevent the need for the use of restraint and for the use of seclusion.</p>	<p>Preventing the use of restraint and seclusion requires organizational change supported by strong leaders, policies, and, often, programmatic changes. One way to prevent the use of restraint and seclusion is to implement an effective positive behavioral system (such as PBIS), and to ensure that your crisis management training program aligns philosophically with that positive behavioral system.</p> <p>CPI <i>Nonviolent Crisis Intervention</i>® Training is focused on preventing the need to use restraint or seclusion. Three-fourths of the program focuses on preventive techniques and alternatives to the use of restraint and seclusion. Creating a safe school environment is dependent on every person in the building. Preventing the use of restraint and seclusion is one part of that important goal. The premises, strategies, and themes found throughout PBIS are also found throughout the <i>Nonviolent Crisis Intervention</i>® Training program.</p>
<p>2. Schools should never use mechanical restraints to restrict a child's freedom of movement, and schools should never use a drug or medication to control behavior or restrict freedom of movement (except as authorized by a licensed physician or other qualified health professional).</p>	<p>CPI teaches only physical restraint positions. We recognize that some facilities have a broader continuum of interventions and may utilize mechanical restraints as one of their restraint tools; however, CPI agrees that mechanical restraints are not appropriate in a school setting.</p>
<p>3. Physical restraint or seclusion should not be used except in situations where the child's behavior poses imminent danger of serious physical harm to self or others and other interventions are ineffective, and should be discontinued as soon as imminent danger of serious physical harm to self or others has dissipated.</p>	<p>CPI <i>Nonviolent Crisis Intervention</i>® Training utilizes the standard of last resort as the only appropriate time to use restraint or seclusion. Last resort comes about when the student's behavior creates imminent danger to self or others, and the danger of the behavior outweighs the risks associated with using restraint and seclusion.</p> <p>Because the risks associated with restraint and seclusion use are so great, any episode of restraint or seclusion should be ended at the earliest possible moment when the student is no longer an imminent danger to self or others. The student may still be upset or noncompliant, but if the student is no longer dangerous, the restraint/seclusion should end. Restraint should be used to protect, not to punish, and should never be used for staff convenience. Staff called upon to utilize restraint or seclusion should receive ongoing, competency-based training. This training should include information on identifying signs of distress that might indicate the need to immediately end the intervention.</p>

<p>4. Policies restricting the use of restraint and seclusion should apply to all children, not just children with disabilities.</p>	<p>Assaultive and disruptive behaviors can occur at any time and at any location within a school building or during a school-related event. The prevention of violence within school settings is everyone's responsibility. Because any staff member may be present to witness the early warning signs of a potential crisis, all staff should receive training in de-escalation strategies at a minimum. CPI's curriculum and program standards offer Certified Instructors and their organizations a good deal of flexibility in delivering training—both formal and informal. This flexibility allows organizations to implement training building-wide in a cost-effective manner.</p>
<p>5. Any behavioral intervention must be consistent with the child's rights to be treated with dignity and to be free from abuse.</p>	<p>CPI <i>Nonviolent Crisis Intervention</i>® Training is grounded in the philosophy of providing for the <i>Care, Welfare, Safety, and Security</i><sup>SM</sup> of everyone involved in crisis moments. With training, staff can serve as a conduit to calm, versus chaos. However, staying calm and professional in the face of a crisis can be very challenging. Training equips staff with strategies to effectively and professionally intervene both verbally and physically in a manner that protects students' dignity. While the goal is to avoid the use of restraint and seclusion, it is also imperative that interventions used for physical restraint or seclusion provide for as much dignity as possible. CPI physical interventions are designed for safety and allow for a Therapeutic Rapport to be re-established with the individual who has lost control. Key elements of our physical responses include:</p> <ul style="list-style-type: none"> <li>• No element of pain is involved.</li> <li>• The intent is to calm the individual.</li> <li>• The intent is to keep the individual off the floor, thus reducing risks of restraint-related positional asphyxia and other injuries.</li> <li>• Team interventions are used when necessary.</li> <li>• Physical intervention is used only as a last resort when someone presents a danger.</li> <li>• Physical intervention is used to protect—not to punish.</li> </ul>
<p>6. Restraint or seclusion should never be used as punishment or discipline (e.g., placing in seclusion for out-of-seat behavior), as a means of coercion or retaliation, or as a convenience.</p>	<p>Our philosophy is that restraint should be used only as a last resort for behavioral emergencies where the behavior of the acting-out person is more dangerous than the risks associated with the use of restraint and seclusion. Restraint and seclusion should never be used for punishment, retaliation, or coercion, or as a convenience for staff. Restraint and seclusion should be ended at the earliest possible moment when the student is no longer a danger to self or others, or immediately at the first sign of physical, psychological, or physiological distress.</p>

<p>7. Restraint or seclusion should never be used in a manner that restricts a child's breathing or harms the child.</p>	<p>CPI teaches standing physical restraint positions to limit the risks associated with restraint-related positional asphyxia. The <i>Nonviolent Crisis Intervention</i>® Training program extensively reviews the psychological, physical, and physiological risks associated with the use of restraint. Additionally, we teach the continuous monitoring of any episode of restraint or seclusion by a staff member not directly involved to monitor for signs of distress. The standing restraint positions we teach are biomechanically sound and do not rely on any element of pain, hyperextension, or hyperflexion of joints, or the use of pressure points.</p>
<p>8. The use of restraint or seclusion, particularly when there is repeated use for an individual child, multiple uses within the same classroom, or multiple uses by the same individual, should trigger a review and, if appropriate, revision of strategies currently in place to address dangerous behavior; if positive behavioral strategies are not in place, staff should consider developing them.</p>	<p>CPI teaches that all incidents of restraint or seclusion should be debriefed not only with the individual involved, but with all staff members involved as well. One step in our debriefing process is to look for patterns of behavior: patterns in the student's behavior and patterns in the staff response to the behavior. It is then that we can identify alternative behaviors and intervention strategies and plan to prevent future occurrences of a similar situation or de-escalate them more quickly and effectively.</p> <p>The CPI debriefing process outlined in the <i>Nonviolent Crisis Intervention</i>® Training program correlates with steps of a formal FBA process. It does not replace an FBA, but supports the data collection and planning efforts that are a part of the FBA process.</p>
<p>9. Behavioral strategies to address dangerous behavior that results in the use of restraint or seclusion should address the underlying cause or purpose of the dangerous behavior.</p>	<p>Throughout the <i>Nonviolent Crisis Intervention</i>® Training curriculum, participants learn about identifying the Precipitating Factors, or triggers, for acting-out behavior. Additionally, the curriculum speaks to setting limits based on the function of the behavior to increase the likelihood that staff will not reinforce negative behaviors.</p> <p>Because we may not always be able to control the Precipitating Factors a student has, the curriculum also reviews strategies for staff to employ so they do not take the acting-out behavior personally, which can cause an overreaction or an inappropriate response on the part of staff. Finally, we review the concept of how staff behaviors and attitudes affect the behaviors and attitudes of students, and vice versa.</p>

<p>10. Teachers and other personnel should be trained regularly on the appropriate use of effective alternatives to physical restraint and seclusion, such as positive behavioral interventions and supports and, only for cases involving imminent danger of serious physical harm, on the safe use of physical restraint and seclusion.</p>	<p>Staying calm, professional, and rational in the face of escalating behavior is not always intuitive for people. Training staff in safe and effective strategies for recognizing potential crisis situations, as well as in developing de-escalation, Empathic Listening, limit setting, and debriefing skills, along with the safe use of personal safety and physical restraint skills, is imperative in creating a safe school climate. With ongoing training and re-training, staff will be much more likely to respond with a trained response, versus a primal or an inappropriate response.</p> <p>To be most effective, training should be conducted as an ongoing process that includes both the initial training and formal refresher training programs; and should also include other elements such as reviews, practices, policy reviews, drills, and situational application discussions to reinforce learning transfer and reduce training drift.</p> <p>CPI recommends that all staff receive training at a minimum in the <i>Nonviolent Crisis Intervention</i>® preventive techniques. Additionally, each school should evaluate how many staff may also need more training in the safe use of restraint and seclusion because of their roles or responsibilities within the organization. We recommend that all staff receive a formal refresher every six to 12 months to reduce training drift and to allow opportunities for problem solving and formal review.</p> <p>CPI also suggests that, in addition to formal content reviews, staff receive at least annually a review of the current policy on restraint and seclusion, as well as a review of how the <i>Nonviolent Crisis Intervention</i>® Training program correlates with the PBIS framework.</p>
<p>11. Every instance in which restraint or seclusion is used should be carefully and continuously and visually monitored to ensure the appropriateness of its use and safety of the child, other children, teachers, and other personnel.</p>	<p>CPI teaches team intervention strategies so that there is an individual to continuously monitor all use of restraint and seclusion. CPI recommends that the intervention be continuously monitored by at least one individual who is not directly involved in the restraint or seclusion, and who can monitor the face of the student to assess for signs of distress that are most readily apparent in the face. Furthermore, CPI recommends that a student who was restrained be monitored for 24 hours to assess for ongoing signs of distress or injuries.</p>
<p>12. Parents should be informed of the policies on restraint and seclusion at their child’s school or other educational setting, as well as applicable federal, state, or local laws.</p>	<p>CPI advocates for involving parents by informing them not only of the policies, but perhaps even including them at some level in training (CPI offers a parent/caregiver module). All parents should be aware of the district’s policies and procedures for school-wide safety, and behavior management training is one component of that policy. This open dialog with parents allows for any needed clarification prior to any incidents occurring.</p>

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13. Parents should be notified as soon as possible following each instance in which restraint or seclusion is used with their child.

There are a number of reasons why it is beneficial to notify parents as soon as possible following an instance of restraint or seclusion use. One is that, due to their intimate relationships with their children, parents may be able to contribute ideas for de-escalation strategies or clarification on triggers. Another reason, especially related to the use of restraint, is that injuries may not be immediately evident, but may surface over time. Notifying parents puts the district in a position to enlist parents' help in ensuring the *Care, Welfare, Safety, and Security*<sup>SM</sup> of the student.

14. Policies regarding the use of restraint and seclusion should be reviewed regularly and updated as appropriate.

CPI suggests that policies and procedures be reviewed at least annually as part of the ongoing Training Process. Policies and procedures can become antiquated quickly, as best practices change. Also, it is possible that changes in the environment or populations served, etc. can cause a procedure to become obsolete or ineffective in daily practice. Review allows the policy and procedure to be updated, if needed, to ensure that staff not only know what the policy is, but can implement the procedures effectively in their daily practice.

15. Policies regarding the use of restraint and seclusion should provide that each incident involving the use of restraint or seclusion should be documented in writing and provide for the collection of specific data that would enable teachers, staff and other personnel to understand and implement the preceding principles.

CPI suggests that, as part of the debriefing process, organizations gather the basic facts and document the incident. CPI encourages organizations to avoid subjective documentation by embedding the program language right into their documentation or debriefing tools. Both student behaviors and staff responses at each of the four behavior levels outlined in CPI's *Crisis Development Model*<sup>SM</sup> should be addressed and documented objectively.

Special attention should be made toward identifying triggers, or patterns of behavior, as well as identifying the function of the behavior. This data collection assists in future planning for reducing and eliminating the need for restraint and seclusion.