

ALIGNMENT

Maryland Adds New Requirements for the Use of Restraints on Students

(2022 Maryland S.B. 705 / Adopted 03/16/2022 and Effective 07/01/2022)

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

The *Nonviolent Crisis Intervention*® Training Program and 2022 Maryland Senate Bill 705

For 40 years, CPI has supported education organizations that strive to provide the safest environment for staff and students. Not only will the NCI™ 2nd Edition Training program meet the requirements in Maryland, CPI's train-the-trainer program and its family of advanced programs also offers a comprehensive array of curriculums that can meet all the needs an organization has for supporting a violence free space in school districts with an emphasis on crisis intervention and de-escalation techniques to better assist staff with achieving this goal.

Additionally, by participating in the NCI™ 2nd Edition Training program, staff will gain the skills and confidence necessary to handle crises with minimal anxiety and maximum security. The training will help staff intervene more safely when behavior become dangerous and most importantly it won't damage the educational bond teaching staff have worked so hard to establish with their students.

The following chart is designed to assist you in identifying some of the ways in which CPI's NCI™ 2nd Edition Training program can help school organizations in the state of Maryland comply with the new requirements regarding the use of restraint. It may also assist you in identifying areas that may require a review and/or revision in your school organization's policies and procedures.

Definitions

“Behavior intervention plan” means a proactive plan designed to address problem behavior exhibited by a student in the educational setting through the use of positive behavioral interventions, strategies, and supports.

“Nonpublic school” means a school that receives funds from the Department for the purpose of providing special education and related services to students with disabilities.

“Physical restraint” is a personal restriction that immobilizes a student or reduces the ability of a student to move their torso, arms, legs, or head freely that occurs during school hours. “Physical restraint” does not include:

- (i) Briefly holding a student in order to calm or comfort the student;
- (ii) Holding a student's hand or arm to escort the student safely from one area to another;
- (iii) Moving a disruptive student who is unwilling to leave the area when other methods such as counseling have been unsuccessful; or
- (iv) Breaking up a fight in the school building or on school grounds.

“Seclusion” means the confinement of a student alone in a room, an enclosure, or any other space from which the student is physically prevented from leaving during school hours. “Seclusion” does not include a behavior intervention plan of separating a student by placing the student:

- (i) into a nonlocked room from which the student is allowed to leave; or
- (ii) within a separate location in a classroom from which the student is not physically prevented from leaving.

“Trauma-informed intervention” means an approach to behavior intervention that is informed by the recognition that the experience of trauma, including the experience of violence, abuse, neglect, disaster, terrorism, and war, may have a significant impact on an individual's physical and emotional health and ability to function.

Section 7-1102	Correlation with NCI™ 2 nd Edition Training
<p>(B) A public agency may not use seclusion as a behavioral health intervention for a student.</p> <p>(C) Neither a public agency nor a nonpublic school may use physical restraint on a student as a behavioral health intervention unless:</p> <p>(1) physical restraint is necessary to protect the student or another individual from imminent serious physical harm; and</p> <p>(2) other, less intrusive, nonphysical interventions have failed or been demonstrated to be inappropriate for the student.</p>	<p>CPI does not endorse or train the use of seclusion.</p> <p>The NCI™ 2nd Edition Training program uses both verbal and physical interventions. We train that the least restrictive form of intervention should always be considered and utilized first, prior to the use of any physical restraint. Within this training, we also introduce a risk assessment matrix which helps staff to consider what level of intervention to utilize based on the level of risk. The <i>Decision-Making Matrix</i>SM and Physical Skills Review both assist staff decision-making in the use of physical restraints. The physical restraints include lower-, medium-, and higher-level holding skills to safely manage risk behavior. Our Advanced Physical Skills course also includes the use of Emergency Floor Holding which is designated as higher-level holding. Beyond physical restraints, CPI does not teach or speak to any other form of restraint (such as mechanical or chemical).</p> <p>NCI™ 2nd Edition 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>
Section 7-1104	Correlation with NCI™ 2 nd Edition Training
<p>(A)(1) On or before December 1 each year, Each public agency and nonpublic school shall submit to the Department a report for the prior school year on:</p> <p>(I) The number of physical restraint incidents, disaggregated by the student's jurisdiction, disability, race, gender, age, and type of placement;</p> <p>(II) The number of physical restraint incidents each student who had at least one physical restraint or seclusion incident, disaggregated by jurisdiction, disability, race, gender, age, and type of placement;</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 NCI™ 2nd Edition Training program correlates with steps of a formal FBA process. It does not replace a Functional Behavior Assessment (FBA) but supports the data collection and planning efforts that are a part of the FBA process.</p>

<p>(II) The number of physical restraint incidents each student who had at least one physical restraint or seclusion incident, disaggregated by jurisdiction, disability, race, gender, age, and type of placement;</p> <p>(III) For nonpublic schools, the number of seclusion incidents, disaggregated by the student's jurisdiction, disability, race, gender, and age; and</p> <p>(IV) For nonpublic schools, the number of seclusion incidents for each student who had at least one physical restraint or seclusion incident, disaggregated by jurisdiction, disability, race, gender, and age.</p>	<p>Additionally, staff can use the CPI debriefing process to analyze each incident to assess their intervention strategies, identifying what worked well and what might be adapted to prevent future occurrences of the escalating behavior. This would also include debriefing with anyone else involved, with a focus on orienting to the basic precipitating factors that led up to the incident and how to remove or mitigate those factors in the future.</p>
<p>(B) On or before December 1 each year, each public agency and nonpublic school shall submit to the department a report on steps taken to encourage positive behavioral interventions, including:</p> <p>(1) The professional development provided to designated school personnel related to positive behavioral interventions, strategies, and supports and trauma-informed interventions for the prior school year;</p> <p>(2) For nonpublic schools, the policy changes made to further reduce the use of seclusion incidents during the prior school year; and</p> <p>(3) The policy changes or new professional development opportunities designed to further increase positive behavioral interventions and reduce physical restraint or seclusion incidents in the upcoming school year.</p>	<p>CPI NCI™ 2nd Edition Training is grounded in the philosophy of providing for the <i>Care, Welfare, Safety, and Security</i>SM 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. 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 retraining, 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 NCI™ 2nd Edition Training program correlates with the PBIS framework.</p>

<p>(A) Subject to the requirements of this section, the State Superintendent shall, in consultation with representatives of institutions of higher education and the Professional Standards and Teacher Education Board under Title 126, Subtitle 7 of this article, adopt positive behavioral intervention training requirements for teachers, administrators, behavioral health specialists, paraprofessionals, aides, and any other employees who interact routinely with students.</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 NCI™ 2nd Edition 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 NCI™ 2nd Edition Training program.</p>
<p>(B) Before adopting the training requirements under subsection (A) of this section, the State Superintendent shall identify any gaps in behavioral interventions, strategies, and supports.</p> <p>(C) The training requirements adopted under subsection (A) of this section shall include positive behavioral interventions, strategies, and supports that:</p> <ol style="list-style-type: none"> (1) Are evidence-based; (2) Include trauma-informed interventions and strategies for de-escalation; (3) Remedy any gaps identified under subsection (B) of this section; and (4) Are consistent with professionally accepted practices and standards for persons entering the field of education. <p>(D)(1) The training requirements adopted under subsection (A) of this section shall be the basis of a program of professional Senate Bill 705 development that the State Superintendent shall share with school employees from public agencies and nonpublic schools.</p> <p>(2) The State Superintendent shall issue guidance on best practices in implementing positive behavior intervention plans that are the basis for the professional development program.</p>	<p>CPI's evidence-based, trauma-informed, person-centered training will help you with what to look for and how to assess workplace violence. Further, CPI's training will provide prevention techniques on verbal de-escalation and physical disengagement skills to defuse any incidents that staff cannot successfully prevent.</p> <p>The NCI™ 2nd Edition Training program is designed to be easily customized making it simple for staff to incorporate organizational policy into each discussion area within the curriculum. It also aids in helping create individual personalized responses for case specific situations.</p> <p>CPI provides support to organizations looking to review existing policies and has the expertise to provide support and consultation around the effective implementation of any workplace violence prevention plan. CPI's Policy Development Series can be instrumental in helping your organization develop and review your organization's policies and procedures. Once policies are implemented, staff should be educated regularly on the policies and procedures. These policies and procedures should be updated as needed.</p>