

ALIGNMENT



California AB 2657

Alignment to Crisis Prevention Institute, Inc. (CPI)
Nonviolent Crisis Intervention® training program



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Alignment to Crisis Prevention Institute, Inc. (CPI) *Nonviolent Crisis Intervention*® training program

For more than 30 years, CPI has supported schools and school district organizations that strive to provide the safest environment for staff, patients and visitors. Not only will the *Nonviolent Crisis Intervention*® training program meet the expectations outlined in California AB 2657, 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 workplace with an emphasis on crisis intervention and de-escalation techniques to better assist staff with achieving this goal.

Additionally, by participating in the *Nonviolent Crisis Intervention*® program, staff will gain the skills and confidence necessary to handle crisis with minimal anxiety and maximum safety. The training will help staff intervene more safely when behavior become dangerous and most importantly it won't damage the professional bond health care staff have worked so hard to establish with their patients.

The following chart is designed to assist you in identifying some of the ways in which CPI's *Nonviolent Crisis Intervention*® training program can help school organizations in the state of California comply with the above California regulation. It may also assist you in identifying areas that may require a review and/or revision in your organization's policies and procedures.

California AB 2657

Existing law prohibits a person employed by or engaged in a public school to inflict, or cause to be inflicted, corporal punishment upon a pupil.

This bill authorizes an educational provider, as defined, to use behavioral restraints, which includes physical and mechanical restraints, or seclusion, as defined, only to control behavior that poses a clear and present danger of serious physical harm to the pupil or others that cannot be immediately prevented by a response that is less restrictive, and if other specified conditions are met. The bill prohibits an educational provider from using a behavioral restraint or seclusion in certain circumstances, including, but not limited to, using seclusion or a behavioral restraint for the purpose of coercion, discipline, convenience, or retaliation, and prohibits the use of certain restraint and seclusion techniques. The bill requires a local educational agency that meets a specified federal definition to collect and, no later than three months after the end of a school year, report to the State Department of Education annually on the use of behavioral restraints and seclusion for pupils enrolled in or served by the local educational agency for all or part of the prior school year, as specified. The bill requires that the data collection and reporting requirements be conducted in compliance with specified federal law, and prohibits those requirements from being construed to impose a new program or higher level of service on local educational agencies or nonpublic schools or agencies.

Cal AB 2567 Section 49005.1 Definitions:

"Behavioral restraint" means "mechanical restraint" or "physical restraint," as defined in this section, used as an intervention when a pupil presents an immediate danger to self or to others. "Behavioral restraint" does not include postural restraints or devices used to improve a pupil's mobility and independent functioning rather than to restrict movement.

"Educational provider" means a person who provides educational or related services, support, or other assistance to a pupil enrolled in an educational program provided by a local educational agency or a nonpublic school or agency.

"Local educational agency" means a school district, county office of education, charter school, the California Schools for the Deaf, and the California School for the Blind.

“Mechanical restraint” means the use of a device or equipment to restrict a pupil’s freedom of movement.

“Mechanical restraint” does not include the use of devices by peace officers or security personnel for detention or for public safety purposes.

“Mechanical restraint” does not include the use of devices by trained school personnel, or by a pupil, prescribed by an appropriate medical or related services professional, if the device is used for the specific and approved purpose for which the device or equipment was prescribed, which shall include, but not be limited to, all of the following:

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.

Vehicle safety restraints when used as intended during the transport of a pupil in a moving vehicle.

Restraints for medical immobilization.

Orthopedically prescribed devices that permit a pupil to participate in activities without risk of harm.

“Nonpublic school or agency” means any nonpublic school or nonpublic agency, including both in-state and out-of-state nonpublic schools and nonpublic agencies.

“Physical restraint” means a personal restriction that immobilizes or reduces the ability of a pupil to move his or her torso, arms, legs, or head freely. “Physical restraint” does not include a physical escort, which means a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a pupil who is acting out to walk to a safe location.

“Physical restraint” does not include the use of force by peace officers or security personnel for detention or for public safety purposes.

“Prone restraint” means the application of a behavioral restraint on a pupil in a facedown position.

“Pupil” means a pupil enrolled in preschool, kindergarten, or any of grades 1 to 12, inclusive, and receiving educational services from an educational provider.

“Seclusion” means the involuntary confinement of a pupil alone in a room or area from which the pupil is physically prevented from leaving. “Seclusion” does not include a timeout, which is a behavior management technique that is part of an approved program, that involves the monitored separation of the pupil in a nonlocked setting, and is implemented for the purpose of calming.

| California AB2657 | Correlation With <i>Nonviolent Crisis Intervention</i>® Training |
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| <p>California AB 2657. Intent of Legislation</p> <p>It is the intent of the Legislature to ensure that schools foster learning in a safe and healthy environment and provide adequate safeguards to prevent harm, and even death, to children in school.</p> | <p>As part of a comprehensive violence prevention initiative, CPI recommends that organizations adopt policies and procedures that reflect the philosophy and strategies taught in the <i>Nonviolent Crisis Intervention</i>® program. CPI offers a variety of resources, tools and services that support organizations seeking to update their policies and procedures.</p> |

It is the intent of the Legislature to prohibit dangerous practices. Restraint and seclusion, as described in this article, do not further a child’s education. At the same time, the Legislature recognizes that if an emergency situation arises, the ability of education personnel to act in that emergency to safeguard a student or others from imminent physical harm should not be restricted.

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. Continual review of your organizations policies and procedures are an integral part of CPI’s Ongoing Training Process and are discussed as part of all Instructor Certification Programs. Once policies are implemented, staff should be educated regularly on the policies and procedures. These policies and procedures should be updated as needed.

The *Nonviolent Crisis Intervention*® curriculum focuses on prevention by recognizing the early warning signs of potential crisis situations and equipping staff with nonverbal and verbal de-escalation skills. It is the core belief of the *Nonviolent Crisis Intervention*® training program that every effort should be made to prevent the need for the use of physical intervention.

The *Nonviolent Crisis Intervention*® program’s core content equips staff with general and personal safety techniques.

| California AB 2657 Section 49005 | Correlation With <i>Nonviolent Crisis Intervention</i> ® Training |
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| <p>49005</p> <p>(a) While it is appropriate to intervene in an emergency to prevent a student from imminent risk of serious physical self-harm or harm of others, restraint and seclusion are dangerous interventions, with certain known practices posing a great risk to child health and safety.</p> <p>(b) United States Department of Education guidelines specify that the use of restraint and seclusion must be consistent with the child’s right to be treated with dignity and to be free from abuse</p> <p>(c) Restraint and seclusion should only be used as a safety measure of last resort, and should never be used as punishment or discipline or for staff convenience.</p> <p>(d) Restraint and seclusion may cause serious injury or long lasting trauma and death, even when done safely and correctly.</p> <p>(e) There is no evidence that restraint or seclusion is effective in reducing the problem behaviors that frequently precipitate the use of those techniques.</p> | <p>CPI training teaches staff to consider the potential psychological, physiological and social-emotional effects that physical restraint or physical violence can have on an individual. In the training program, staff learn ways to minimize or eliminate these effects whenever possible throughout their prevention, intervention and Postvention efforts.</p> <p>As part of a comprehensive violence prevention initiative, CPI recommends that organizations adopt policies and procedures that reflect the philosophy and strategies taught in the <i>Nonviolent Crisis Intervention</i>® program. CPI offers a variety of resources, tools and services that support organizations seeking to update their policies and procedures.</p> |

- (f) Students with disabilities and students of color, especially African American boys, are disproportionately subject to restraint and seclusion.
- (g) Well-established California law already regulates restraint techniques in a number of settings, including general acute care hospitals, acute psychiatric hospitals, psychiatric health facilities, crisis stabilization units, community treatment facilities, group homes, skilled nursing facilities, intermediate care facilities, community care facilities, and mental health rehabilitation centers. These minimal protections should be provided to all students in schools.

California AB 2657 Section 49005.2

Correlation With *Nonviolent Crisis Intervention*® Training

49005.2 A pupil has the right to be free from the use of seclusion and behavioral restraints of any form imposed as a means of coercion, discipline, convenience, or retaliation by staff. This right includes, but is not limited to, the right to be free from the use of a drug administered to the pupil in order to control the pupil's behavior or to restrict the pupil's freedom of movement, if that drug is not a standard treatment for the pupil's medical or psychiatric condition.

CPI training teaches staff to consider the potential psychological, physiological, and social-emotional effects that physical restraint or physical violence can have on an individual. In the training program, staff learn ways to minimize or eliminate these effects whenever possible throughout their prevention, intervention and Postvention efforts.

California AB 2657 49005.4

Correlation With *Nonviolent Crisis Intervention*® Training

49005.4 An educational provider may use seclusion or a behavioral restraint only to control behavior that poses a clear and present danger of serious physical harm to the pupil or others that cannot be immediately prevented by a response that is less restrictive.

The *Nonviolent Crisis Intervention*® training program teaches that restraint should be used only when the danger being presented by the person's behavior outweighs the risks associated with the use of restraint.

The same content teaches staff about the signs of aggression, how to handle them, and how to read a situation for indicators of violence.

The *Nonviolent Crisis Intervention*® course offers risk assessment criteria to be used by staff during any perceived threat as a means of assessing the potential danger presented by the situation and appropriate responses to the situation to ensure the greatest level of safety.

| California AB 2657 Section 49005.6 | Correlation With <i>Nonviolent Crisis Intervention</i> ® Training |
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| <p>49005.6 An educational provider shall avoid, whenever possible, the use of seclusion or behavioral restraint techniques.</p> | <p>It is the core belief of the <i>Nonviolent Crisis Intervention</i>® training program that every effort should be made to prevent the need for the use of physical restraint.</p> <p>At the Crisis Prevention Institute, we teach that physical restraint should only be used as a very last resort when all nonphysical options have been exhausted. For last-resort circumstances, we teach safer, nonharmful restraint techniques that are the most adaptable in the industry.</p> <p>The <i>Nonviolent Crisis Intervention</i>® training program emphasizes that physical interventions should be used only as a last resort when the danger presented by the person’s behavior outweighs the risks of physical restraint use.</p> |
| California AB 2657 Section 49005.8 | Correlation With <i>Nonviolent Crisis Intervention</i> ® Training |
| <p>(a) An educational provider shall not do any of the following:</p> <ol style="list-style-type: none"> (1) Use seclusion or a behavioral restraint for the purpose of coercion, discipline, convenience, or retaliation. (2) Use locked seclusion, unless it is in a facility otherwise licensed or permitted by state law to use a locked room. (3) Use a physical restraint technique that obstructs a pupil’s respiratory airway or impairs the pupil’s breathing or respiratory capacity, including techniques in which a staff member places pressure on a pupil’s back or places his or her body weight against the pupil’s torso or back. (4) Use a behavioral restraint technique that restricts breathing, including, but not limited to, using a pillow, blanket, carpet, mat, or other item to cover a pupil’s face. (5) Place a pupil in a facedown position with the pupil’s hands held or restrained behind the pupil’s back. | <p>The CPI <i>Nonviolent Crisis Intervention</i>® program does not teach or condone the use of seclusion or restraint for purposes of coercion, discipline, convenience or retaliation.</p> <p>Additionally, The <i>Nonviolent Crisis Intervention</i>® program does not teach the use of prone restraint as that could lead to a restricted airway causing harm to the student.</p> |

- (6) Use a behavioral restraint for longer than is necessary to contain the behavior that poses a clear and present danger of serious physical harm to the pupil or others.
- (b) An educational provider shall keep constant, direct observation of a pupil who is in seclusion, which may be through observation of the pupil through a window, or another barrier, through which the educational provider is able to make direct eye contact with the pupil. The observation required pursuant to this subdivision shall not be through indirect means, including through a security camera or a closed-circuit television.
- (c) An educational provider shall afford to pupils who are restrained the least restrictive alternative and the maximum freedom of movement, and shall use the least number of restraint points, while ensuring the physical safety of the pupil and others.
- (d) If prone restraint techniques are used, a staff member shall observe the pupil for any signs of physical distress throughout the use of prone restraint. Whenever possible, the staff member monitoring the pupil shall not be involved in restraining the pupil.

CPI teaches staff to constantly engage in a risk assessment throughout the crisis. This assessment is focused on evaluating the risks and likelihood of specific behaviors and weighing them against the potential risks of intervention.

CPI's trauma-informed, person-centered training will help you with what to look for and how to assess the crisis situation.

In CPI training, the *Crisis Development Mode*SM describes recognizable behavior levels that an escalating person might go through during a crisis. It also describes corresponding staff attitudes and approaches to de-escalate challenging behaviors.

California AB 2657 Section 49006

Correlation With *Nonviolent Crisis Intervention*[®] Training

- (a) A local educational agency that meets the definition of a "local educational agency" specified in Section 300.28 of Title 34 of the Code of Federal Regulations shall collect and, no later than three months after the end of a school year, report to the department annually on the use of behavioral restraints and seclusion for pupils enrolled in or served by the local educational agency for all or part of the prior school year.
- (b) The report required pursuant to subdivision (a) shall include all of the following information, disaggregated by race or ethnicity, and gender:
- (1) The number of pupils subjected to mechanical restraint, with separate counts for pupils with a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), pupils with an individualized education program, and pupils who do not have a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794) or an individualized education program.

CPI recommends documenting all incidences of violence with all relevant information as part of a workplace violence prevention plan. It is recommended that staff document the patient's actions that occurred before, during, and after the incident and that staff document their own responses to the observed behavior including responses that occurred before, during and after the incident. CPI recommends that each incident of violence also be documented as part of the Postvention process. Staff should evaluate each incident through the lens of the *Nonviolent Crisis Intervention*[®] training program to look for opportunities to adjust their intervention strategies at earlier levels of the crisis.

- (2) The number of pupils subjected to physical restraint, with separate counts for pupils with a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), pupils with an individualized education program, and pupils who do not have a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794) or an individualized education program.
- (3) The number of pupils subjected to seclusion, with separate counts for pupils with a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), pupils with an individualized education program, and pupils who do not have a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794) or an individualized education program.
- (4) The number of times mechanical restraint was used on pupils, with separate counts for the number of times mechanical restraint was used on pupils with a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), pupils with an individualized education program, and pupils who do not have a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794) or an individualized education program.
- (5) The number of times physical restraint was used on pupils, with separate counts for the number of times physical restraint was used on pupils with a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), pupils with an individualized education program, and pupils who do not have a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794) or an individualized education program.
- (6) The number of times seclusion was used on pupils, with separate counts for the number of times seclusion was used on pupils with a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), pupils with an individualized education program, and pupils who do not have a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794) or an individualized education program.
- (c) Notwithstanding any other law, the data collected and reported pursuant to this section shall be available as a public record pursuant to Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code.
- (d) No later than three months after the report is due to the department pursuant to subdivision (a), the department shall post the data from the report annually on its Internet Web site.

The *Nonviolent Crisis Intervention*® training program provides a model for assessing and gathering incident data to aid staff if performing the important evaluation process. In addition, CPI offers a comprehensive means of documenting and recording staff training and provides verifiable certification records for each staff trained in CPI courses.