

ALIGNMENT

Regulations Governing the Use of Seclusion and Restraint in Public Elementary and Secondary Schools in Virginia

(8 VAC 20-750; Adopted 7/20/20 & Effective
01/01/21)

Alignment to Crisis Prevention Institute, Inc. (CPI) - *Nonviolent
Crisis Intervention®* (NCI) 2nd Edition Training Program

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For more than 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 the changes made to Virginia’s licensure standards, 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 crisis 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 that 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 education organizations in the state of Virginia comply with the training and documentation requirements within this law. It may also assist you in identifying areas that may require a review and/or revision in your organization’s policies and procedures.

8 VAC 20-750-5. Application
A. This chapter is applicable to all students and school personnel in the public elementary and secondary schools of the Commonwealth of Virginia.

8 VAC 20-750-10. Definitions related to permitted and prohibited actions
<p>“Physical restraint” means a personal restriction that immobilizes or reduces the ability of a student to move freely. The term “physical restraint” does not include:</p> <ul style="list-style-type: none"> (i) briefly holding a student to calm or comfort the student; (ii) holding a student’s hand or arm to escort the student safely from one area to another; or (iii) the use of incidental, minor, or reasonable physical contact or other actions designed to maintain order and control.

8 VAC 20-750-30. Prohibited actions	Correlation with NCI 2 nd Edition Training
<p>A. The following actions are prohibited in the public elementary and secondary schools in the Commonwealth of Virginia:</p> <ol style="list-style-type: none"> 1. Use of mechanical restraints. 2. Use of pharmacological restraints. 3. Use of aversive stimuli. 4. Use of prone restraints (i.e. lying face down) or any other restraints that restrict a student’s breathing or harm the student. 5. Use of seclusion that restricts a student’s breathing or harms the student. 	<p>CPI does not endorse or train the use of chemical or mechanical restraints.</p> <p>CPI’s interventions are designed to allow a student in crisis to breathe freely and without obstruction. CPI’s interventions do not utilize skills that apply pressure to the neck or torso, which can compromise the ability of the student to breathe. Additionally, CPI does not teach or endorse the use of masks, covers, or any object that obstructs vision or breathing of an individual.</p>

- 6. Use of physical restraint or seclusion as (i) punishment or discipline; (ii) a means of coercion or retaliation; (iii) a convenience; (iv) to prevent property damage, or in any manner other than as provided in 8VAC20-750-40 and 8VAC20-750-50.
- 7. Use of corporal punishment.
- 8. Use of seclusion rooms or freestanding units not meeting the standards set forth in this chapter.
- 9. Use of restraint or seclusion when medically or psychologically contraindicated as stated in documentation by the IEP team, the student's Section 504 team, school professionals, or by a licensed physician, psychologist, or other qualified health professional under the scope of the professional's authority.

It is the core belief of CPI that every effort should be made to prevent the need for physical restraint. 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.

CPI training programs are built on the fundamental principles of *Care, Welfare, Safety, and Security*SM for students and staff alike. Abuse of any kind including the infliction of emotional trauma, humiliation, and other verbal abuse is not consistent with the tenants of our programs.

8 VAC 20-750-40. Use of physical restraint and seclusion	Correlation with NCI 2 nd Edition Training
<p>B. School personnel may implement physical restraint or seclusion only when other interventions are or would be, in the reasonable judgment of the particular school personnel implementing physical restraint or seclusion in an emergency situation, ineffective and only to:</p> <ul style="list-style-type: none"> 1. Prevent a student from inflicting serious physical harm or injury to self or others; 2. Quell a disturbance or remove a student from the scene of a disturbance in which such student's behavior or damage to property threatens serious physical harm or injury to persons; 3. Defend self or others from serious physical harm or injury; 4. Obtain possession of controlled substances or paraphernalia that are upon the person of the student or within the student's control; or 5. Obtain possession of weapons or other dangerous objects that are upon the person of the student or within the student's control. <p>C. Physical restraint and seclusion shall be discontinued as soon as the imminent risk of serious physical harm or injury to self or others presented by the emergency situation has dissipated.</p> <p>D. Nothing in this section shall be construed to require school personnel to attempt to implement a less restrictive intervention prior to using physical restraint or seclusion when, in the reasonable judgment of the school personnel in an emergency situation, a less restrictive intervention would be ineffective.</p> <p>E. Unless a student's damage to property creates an imminent risk of serious physical harm or injury to the student or others, the damage of property does not itself indicate an imminent risk of serious physical harm or injury and shall not be the justification for the restraint or seclusion of a student.</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 decision-making matrix or risk assessment matrix which helps staff to consider what level of intervention to consider 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.</p> <p>CPI's program teaches that restraints should be used as a last resort, when the individual is an immediate danger to self or others, and when less restrictive interventions have been tried and have failed or are deemed inappropriate.</p> <p>CPI trains that restraints should only be used when a person poses an immediate threat of harm. When a person no longer presents a potential for harm to themselves or others the restraint should be immediately discontinued.</p> <p>The NCI 2nd Edition training program focuses on prevention by recognizing the early warning signs of potential crisis situations and equipping staff with nonverbal and verbal de-escalation skills. The program teaches staff about the signs of aggression, how to handle them, and how to read a situation for indicators of violence.</p>

A. When any student has been physically restrained or secluded:

1. The school personnel involved shall report the incident and the use of any related first aid to the school principal or the principal's designee as soon as possible by the end of the school day in which the incident occurred; and
2. The school principal or the principal's designee, or other school personnel shall make a reasonable effort to ensure that direct contact is made with the student's parent, either in person or through telephone conversation, or other means of communication authorized by the parent, such as email, to notify the parent of the incident and any related first aid on the day the incident occurred.

C. As soon as practicable, but no later than two school days after an incident in which physical restraint or seclusion has been implemented, the school personnel involved in the incident or other school personnel, as may be designated by the principal, shall complete and provide to the principal or the principal's designee a written incident report. The school division shall provide the parent with a copy of the incident report within seven calendar days of the incident.

The written incident report shall contain information sufficient to inform the parent about the incident.

D. Following an incident of physical restraint or seclusion, the school division shall ensure that, within two school days, the principal or the principal's designee reviews the incident with all school personnel who implemented the use of physical restraint or seclusion to discuss:

1. Whether the use of restraint or seclusion was implemented in compliance with this chapter and local policies; and
2. How to prevent or reduce the future need for physical restraint or seclusion.

E. As appropriate, depending on the student's age and developmental level, following each incident of physical restraint or seclusion the school division shall ensure that, as soon as practicable, but no later than two school days or upon the student's return to school, the principal or the principal's designee shall review the incident with the student involved to discuss:

1. Details of the incident in an effort to assist the student and school personnel in identifying patterns of behaviors, triggers, or antecedents; and
2. Alternative positive behaviors or coping skills the student may utilize to prevent or reduce behaviors that may result in the application of physical restraint or seclusion.

F. The principal or the principal's designee shall regularly review the use of physical restraint or seclusion to ensure compliance with school division policy and procedures. When there are multiple incidents within the same classroom or by the same individual, the principal or the principal's designee shall take appropriate steps to address the frequency of use.

CPI recommends that each incident of violence be documented as part of the post-incident process.

The NCI 2nd Edition training program provides a model for assessing and gathering incident data to aid staff in performing this important evaluation process.

CPI training emphasizes the importance of post-incident assessments after a restraint was used. Staff should evaluate each incident through the lens of the NCI 2nd Edition training program to look for opportunities to adjust their intervention strategies at earlier levels of the crisis.

Staff can use the debriefing model 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.

Additionally, staff are trained to watch for trends or patterns of Precipitating Factors that may be related to staff approaches or the environment. Once patterns are identified, staff can use their analysis to inform policy development, make environmental changes when appropriate, and improve professional development practices for staff.

School divisions that employ physical restraint or seclusion shall:

1. Ensure that all school personnel receive training that focuses on skills related to positive behavior support, conflict prevention, de-escalation, and crisis response, including follow-up support and social-emotional strategy support for students, staff, and families;
2. Ensure that all school personnel receive initial training regarding the regulations, policies, and procedures governing the use of physical restraint and seclusion;
3. Provide advanced training in the use of physical restraint and seclusion for at least one administrator in every school building and for school personnel assigned to work with any student whose IEP or Section 504 team determines the student is likely to be physically restrained or secluded; and
4. Ensure that any initial or advanced training is evidence-based.

CPI's train-the-trainer model ensures that the training and the related materials are easily customizable to meet the needs of the staff engaged in the training and provides practice, roleplaying real-life scenarios, and problem solving activities to ensure that staff remain engaged in learning. In addition, our eLearning offerings are designed to be highly interactive and engaging and incorporate numerous learning strategies effective with adult learners. Our train-the-trainer model, coupled with either our highly customizable classroom materials or our interactive eLearning offering makes it easy to rollout training to a large number of staff.

CPI teaches staff to constantly engage in risk assessment during any perceived threat. This assessment is focused on evaluating the risks and likelihood of specific behaviors and assessing the appropriate response to a situation to ensure the greatest level of safety for all involved.

The use of physical (human to human) restraints is taught within our training program for use as a last resort when all lesser forms of intervention have been exhausted. Interventions taught by CPI have been designed to minimize the risk of injury to students and staff. As such, interventions are meant to be free of pain and do not include the use of pressure points or joint locks. While no intervention is completely free of risk from injury to students or staff, all of CPI's interventions have been independently assessed for risk of psycho-social, soft tissue, joint, structural, neurological, cardio-vascular, and respiratory injury to both students and staff.