

ALIGNMENT

Wisconsin Adds New Requirements to *Use of Seclusion and Physical Restraint Law*

(WI SB 527/WI ST 118.305; Effective 3/3/20)

Alignment to Crisis Prevention Institute, Inc. (CPI)
Nonviolent Crisis Intervention® 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 *Nonviolent Crisis Intervention*® training program meet the requirements in Wisconsin's *Use of Seclusion and Physical Restraint* law, 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 *Nonviolent Crisis Intervention*® 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 *Nonviolent Crisis Intervention*® training program can help education organizations in the state of Wisconsin 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.

Section 2: Definitions

"Covered individual"

1. Means all of the following:
 - a. An individual who is employed by a governing body, or under contract with a governing body as an independent contractor, to provide services for the benefit of the school governed by the governing body.
 - b. An individual who is employed by a person under contract with a governing body to provide services for the benefit of the school governed by the governing body.
 - c. An individual who is engaged in student teaching under the supervision of an individual described in subd. 1. a.
2. Does not include any of the following:
 - a. A member of a governing body.
 - b. A law enforcement officer.

"Incident" means an occurrence of a covered individual or a law enforcement officer using seclusion or physical restraint on a pupil. It is considered one incident if immediately following the use of seclusion or physical restraint on a pupil, the pupil's behavior presents a clear, present, and imminent risk to the physical safety of the pupil or others, and a covered individual or law enforcement officer resumes the use of seclusion or physical restraint.

"Physical restraint" means a restriction that immobilizes or reduces the ability of a pupil to freely move his or her torso, arms, legs, or head.

"School" means a public school, including a charter school, and a private school participating in the Wisconsin Special Needs Scholarship Program.

Physical Restraint; Conditions for Use	Correlation With <i>Nonviolent Crisis Intervention</i> ® Training
<p>A covered individual may use physical restraint on a pupil at school only if all of the following apply:</p> <p>(d) None of the following maneuvers or techniques are used:</p> <p>4. Those that place the pupil in a prone position.</p>	<p>The <i>Nonviolent Crisis Intervention</i>® 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 creating individual personalized responses for case-specific situations.</p>
Notification and Reporting Following Use of Seclusion or Physical Restraint	Correlation With <i>Nonviolent Crisis Intervention</i> ® Training
<p>(a) Whenever seclusion or physical restraint is used on a pupil at school, the school principal or his or her designee shall do all of the following:</p> <p>3. Meet with the covered individuals who participated in the incident to discuss all of the following:</p> <p>a. The events preceding, during, and following the use of the seclusion or physical restraint.</p> <p>b. How to prevent the need for seclusion or physical restraint, including the factors that may have contributed to the escalation of behaviors; alternatives to physical restraint, such as de-escalation techniques and possible interventions; and other strategies that the school principal or designee determines are appropriate.</p>	<p>CPI recommends that each incident of violence be documented as part of the Postvention process. Staff should evaluate each incident through the lens of the <i>Nonviolent Crisis Intervention</i>® training program to look for opportunities to adjust their intervention strategies at earlier levels of the crisis.</p> <p>CPI training emphasizes the importance of postvention strategies after an incident of workplace violence. This includes debriefing with anyone involved with a focus on orienting the staff to the basic factors of the incident and how to properly report.</p>
<p>d) Whenever a covered individual or a law enforcement officer uses seclusion or physical restraint on an LEA placed pupil at a private school, the administrator of the private school or his or her designee shall do all of the following:</p> <p>1. As soon as practicable, but no later than one business day after the incident, notify the LEA placed pupil's parent and the local educational agency of the incident and of the availability of the written report under subd. 2.</p> <p>2. Within 2 business days after the incident and after consulting with the covered individuals and any law enforcement officers present during the incident, prepare a written report containing all of the following information:</p> <p>a. The LEA placed pupil's name.</p> <p>b. The date, time, and duration of the use of seclusion or physical restraint.</p> <p>c. A description of the incident, including a description of the actions of the pupil before, during, and after the incident.</p> <p>d. The names and titles of the covered individuals and any law enforcement officers who were present during the incident.</p>	<p>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. Additionally, staff can 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.</p>

Physical Restraint; Training

**Correlation With
Nonviolent Crisis Intervention® Training**

(a) Except as provided in par. (c), no covered individual may use physical restraint on a pupil at school unless he or she has received training in the use of physical restraint that includes all of the following components:

1f. Evidence-based instruction related to positive behavioral supports and interventions, safe physical escort, understanding antecedents, de-escalation, conflict prevention, and conflict management.

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 risk of 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.

1m. Evidence-based techniques, including debriefing, that have been shown to prevent or reduce the use of physical restraint.

CPI training emphasizes the importance of postvention strategies after an incident of workplace violence. This includes debriefing with anyone involved with a focus on orienting the staff to the basic factors of the incident and how to properly report.

6. A requirement that the trainee demonstrate proficiency his or her ability to identify prohibited techniques in administering physical restraint.

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 restraint. At CPI, 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.

(c) A covered individual who has not received training in the use of physical restraint under par. (a) may use physical restraint on a pupil at school only in an emergency and only if a covered individual who has received training in the use of physical restraint under par. (a) is not immediately available due to the unforeseen nature of the emergency.

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.