

# ALIGNMENT



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*The Nonviolent Crisis Intervention*<sup>®</sup>  
Training Program and the Kentucky  
Board of Education, Department  
of Education 704 KAR 7:160. Use of  
Physical Restraint and Seclusion in  
Public Schools



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The following chart is designed to assist you in identifying some of the ways in which CPI's *Nonviolent Crisis Intervention*® training program can assist your facility in meeting Kentucky Board of Education, Department of Education **704 KAR 7:160. Use of Physical Restraint and Seclusion in Public Schools**. This policy went into effect February 1, 2013.

#### Purpose

The first responsibility of Kentucky schools is to promote learning in a safe and healthy environment for all children, teachers, and staff. The improper use of physical restraint and seclusion by districts directly affects the psychological and physical welfare of students and may result in psychological harm, physical harm, or death of students. Because there is no evidence that physical restraint or seclusion is effective in reducing the occurrence of inappropriate behaviors, physical restraint or seclusion should never be used except in situations where a child's behavior poses imminent danger of serious physical harm to self or others. Physical restraint and seclusion should be avoided to the greatest extent possible without endangering the safety of students and school personnel.

#### IV. Definitions

- 1) **Aversive behavioral interventions** – means a physical or sensory intervention program intended to modify behavior that the implementer knows would cause physical trauma, emotional trauma, or both, to a student even when the substance or stimulus appears to be pleasant or neutral to others and may include hitting, pinching, slapping, water spray, noxious fumes, extreme physical exercise, loud auditory stimuli, withholding of meals, or denial of reasonable access to toileting facilities.
- 2) **Behavioral intervention** – means the implementation of strategies to address behavior that is dangerous, inappropriate, or otherwise impedes the learning of the students.
- 3) **Chemical restraint** – means the use of medication to control behavior or restrict a student's freedom of movement that includes over-the-counter medications used for purposes not specified on the label but does not include medication prescribed by a licensed medical professional and supervised by qualified and trained individuals in accordance with professional standards.
- 4) **Dangerous behavior** – means behavior that presents an imminent danger of serious physical harm to self or others but does not include inappropriate behaviors such as disrespect, noncompliance, insubordination, or out of seat behaviors.
- 5) **De-escalation** – means the use of behavior management techniques intended to mitigate and defuse dangerous behavior of a student, that reduces the imminent danger of serious physical harm to self or others.
- 6) **Emergency** – means a sudden, urgent occurrence, usually unexpected but sometimes anticipated, that requires immediate action.
- 7) **Mechanical restraint** – means the use of any device or equipment to restrict a student's freedom of movement, but does not mean:
  - a) devices implemented by trained school personnel or utilized by a student that have been prescribed by an appropriate medical or related services professional that are used for the specific and approved purposes for which such devices were designed;
  - b) 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;
  - c) vehicle safety restraints when used as intended during the transport of a student in a moving vehicle;
  - d) restraint for medical immobilization; and
  - e) orthopedically prescribed devices that permit a student to participate in activities without risk of harm.

#### IV. Definitions

- 8) **Physical restraint** – means a personal restriction that immobilizes or reduces the ability of a student to move the student’s torso, arms, legs, or head freely, but does not mean:
- a) Temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of encouraging a student to move voluntarily to a safe location;
  - b) Does not mean behavioral interventions such as proximity control or verbal soothing, used as a response to calm or comfort an upset student;
  - c) Does not mean less restrictive physical contact or redirection to promote student safety; and
  - d) Does not mean physical guidance or prompting when teaching a skill or when redirecting the student’s attention.
9. **Positive behavioral supports** – means a school-wide systematic approach to embed evidence-based practices and data-driven decision-making to improve school climate and culture in order to achieve improved academic and social outcomes, to increase learning for all students, including those with the most complex and intensive behavior needs; and to encompass a range of systemic and individualized positive strategies to reinforce desired behaviors, to diminish reoccurrence of inappropriate or dangerous behaviors, and to teach appropriate behaviors to students.
10. **Prone restraint** – means the student is restrained in a face down position on the floor or other surface, and physical pressure is applied to the student’s body to keep the student in the prone position.
11. **School personnel** – means teachers, principals, administrators, counselors, social workers, psychologists, paraprofessionals, nurses, librarians, school resource officers, other sworn law enforcement officers and other support staff who are employed in a school or who perform services in the school on a contractual basis.
12. **Seclusion** – means the involuntary confinement of a student alone in a room or area from which the student is prevented from leaving but does not mean classroom timeouts, supervised in-school detentions, or out-of-school suspensions.
13. **Supine restraint** – means the student is restrained in a face up position on the student’s back on the floor or other surface, and physical pressure is applied to the student’s body to keep the student in the supine position.
14. **Timeout** – means 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.

**Section 3**

Section 3 (1) Physical restraint shall not be used in public schools or educational programs:

- (a) as punishment or discipline;
- (b) to force compliance or to retaliate;
- (c) as a substitute for appropriate educational or behavioral support;
- (d) to prevent property damage in the absence of imminent danger of serious physical harm to self or others;
- (e) as a routine safety measure; or
- (f) as a convenience for staff.

CPI's *Nonviolent Crisis Intervention*<sup>®</sup> training program teaches that physical restraint should only be used as a last resort when a student is an imminent danger to self or others. The use of physical restraint carries physical, physiological, psychological, and social risks. It is for these reasons that we suggest restraint only be utilized when the danger being presented by the individual's behavior is greater than the risks of utilizing a physical intervention, and only when less restrictive interventions have been tried and have failed or been deemed inappropriate.

CPI agrees that it is inappropriate to utilize restraint as a punishment or discipline, to force compliance, as a substitute for appropriate educational or behavioral supports, to prevent property damage absent imminent danger, as a routine safety measure, or for the convenience of staff.

Section 3 (2) School personnel are prohibited from imposing the following on any student at any time:

- (a) mechanical restraint;
- (b) chemical restraint;
- (c) aversive behavioral interventions;
- (d) physical restraint that is life-threatening;
- (e) prone or supine restraint; and
- (f) physical restraint that is prohibited by a licensed medical professional.

CPI's *Nonviolent Crisis Intervention*<sup>®</sup> training program teaches safer standing restraint positions. We do not teach any takedown, prone, or supine restraints within the curriculum.

Key elements of the physical restraints taught within our curriculum are:

- No element of pain is involved.
- The intent is to calm the individual.
- The intent is to keep the individual off the floor, reducing risks of restraint-related positional asphyxia and other injuries.
- Team interventions are used only as a last resort when someone presents an imminent danger.
- Physical interventions are used to protect—not to punish.

Section 3 (3) Physical restraint may only be implemented in public schools or educational programs if:

- (a) the student's behavior poses an imminent danger of serious physical harm to self or others;

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## Section 4

Section 4 (1) Seclusion shall not be used in public schools or educational programs:

- (a) as punishment or discipline;
- (b) to force compliance or to retaliate;
- (c) as a substitute for appropriate educational or behavioral support;
- (d) to prevent property damage in the absence of imminent danger of serious physical harm to self or others;
- (e) as a routine safety measure;
- (f) as a convenience for staff; or
- (g) as a substitute for timeout.

CPI agrees that it is inappropriate to utilize seclusion as a punishment or discipline, to force compliance, as a substitute for appropriate educational or behavioral supports, to prevent property damage absent imminent danger, as a routine safety measure, for the convenience of staff, or as a substitute for timeout.

Section 4 (2) Seclusion may only be implemented in public schools or educational programs if:

- (a) the student's behavior poses an imminent danger of serious physical harm to self or others;
- (b) the student is visually monitored for the duration of the seclusion;
- (c) less restrictive interventions have been ineffective in stopping the imminent danger of serious physical harm to self or others; and
- (d) school personnel implementing the seclusion are appropriately trained to use seclusion.

CPI's *Nonviolent Crisis Intervention*<sup>®</sup> training program teaches that seclusion should only be used as a last resort when a student is an imminent danger to self or others. The use of seclusion carries physical, physiological, psychological, and social risks. It is for these reasons that we suggest seclusion only be utilized when the danger being presented by the individual's behavior is greater than the risks of utilizing seclusion, and only when less restrictive interventions have been tried and have failed or been deemed inappropriate.

CPI teaches that every episode of seclusion should be continuously monitored for signs of distress and that the seclusion should end at the earliest possible moment when the individual is no longer an imminent danger to self or others or at the earliest sign of distress.

Section 4 (3) The use of seclusion shall end as soon as:

- (a) the student's behavior no longer poses an imminent danger of serious physical harm to self or others; or
- (b) a medical condition occurs putting the student at risk of harm.

CPI teaches that every episode of seclusion should be continuously monitored for signs of distress and that the seclusion should end at the earliest possible moment when the individual is no longer an imminent danger to self or others or at the earliest sign of distress.

## Section 5. Documentation

Section 5 (1) All physical restraints and seclusions shall be documented by a written record of each use of seclusion or physical restraint and be maintained in the student's education record. Each record of a use of physical restraint or seclusion shall be informed by an interview with the student and shall include:

- (a) The student's name;
- (b) A description of the use of physical restraint or seclusion and the student behavior that resulted in the physical restraint or seclusion;
- (c) The date of the physical restraint or seclusion and school personnel involved;
- (d) The beginning and ending times of the physical restraint and seclusion;
- (e) A description of any events leading up to the use of physical restraint or seclusion including possible factors contributing to the dangerous behavior;
- (f) A description of the student's behavior during physical restraint or seclusion;
- (g) A description of techniques used in physically restraining or secluding the student and any other interactions between the student and school personnel during the use of physical restraint or seclusion;
- (h) A description of any behavioral interventions used immediately prior to the implementation of physical restraint or seclusion;
- (i) A description of any injuries to students, school personnel, or others;
- (j) A description as to how the student's behavior posed an imminent danger of serious physical harm to self or others;
- (k) The date the parent was notified;
- (l) A description of the effectiveness of physical restraint or seclusion in de-escalating the situation;
- (m) A description of school personnel response to the dangerous behavior;
- (n) A description of the planned positive behavioral interventions which shall be used to reduce the future need for physical restraint or seclusion of the student; and
- (o) For any student not identified as eligible for services under either Section 504 of the Rehabilitation Act or the IDEA, documentation of a referral under either law or documentation of the basis for declining to refer the student.

CPI's *Nonviolent Crisis Intervention*<sup>®</sup> training program includes a unit on Postvention or staff and student debriefing. It is the opportunity to re-establish a therapeutic rapport with the acting-out individual and for the team that responded to evaluate the effectiveness of their response. It is also through this process that the entire team, student, parents, or others present can evaluate the intervention strategy and plan to prevent future occurrences of the acting-out behavior that lead to the episode of restraint or seclusion.

As part of this Postvention process, CPI supports data collection that includes examining the events prior to, during, and following the use of restraint or seclusion. Furthermore, we encourage the integration of the program language into forms or debriefing tools so that staff can clearly and consistently document with a common language, including the specific name of the technique utilized for physical restraint or personal safety.

One way to meet the expectations outlined in Section 5 of this administrative regulation is to utilize the CPI *Crisis Development Mode*<sup>SM</sup> as a framework for documentation. This will equip the staff to specifically examine all the behaviors and their responses to those behaviors at all levels of the crisis development. This assists the staff in identifying what intervention strategies were effective, and which were not so they can make a plan for future interventions.

Also a part of the Postvention process is negotiating a plan for next time. Sometimes this is a verbal agreement between staff and student, but often it is a more formal process which includes re-evaluating IEPs or other behavior intervention plans the district and family have developed.

### Section 5. Documentation

<p>Section 5 (4) The physical restraint or seclusion record as outlined in Section 5 (1) of this administrative regulation shall be completed by the end of the next school day following the use of seclusion or physical restraint.</p>	<p>CPI recommends documenting the event as soon as possible so that details of the event are fresh in the mind of all individuals present.</p>
<p>Section 5 (5) If the parent or emancipated youth requests a debriefing session under Section 2 of this regulation, a debriefing session shall be held after the imposition of physical restraint or seclusion upon a student.</p>	<p>CPI recommends debriefing of all incidents of restraint or seclusion whether requested by a parent, emancipated youth, or not.</p>
<p>Section 5 (6) The following persons shall participate in the debriefing session:</p> <ul style="list-style-type: none"> <li>(a) The implementer of the physical restraint or seclusion;</li> <li>(b) At least two (2) of any other school personnel who were in the proximity of the student immediately before or during the physical restraint or seclusion;</li> <li>(c) The parent;</li> <li>(d) The student, if the parent requests or if the student is an emancipated youth; and</li> <li>(e) Appropriate supervisory and administrative school personnel, that may include appropriate Admissions and Release Committee members, Section 504 team members, or response to intervention team members.</li> </ul>	<p>CPI recommends that all individuals who were involved in or witnessed an event of restraint or seclusion be a part of the debriefing process at some point.</p> <p>The use of physical restraint or seclusion can be traumatizing to those who are restrained or secluded, to those who implement the restraint or seclusion, and to those who may witness the event. By utilizing the process of debriefing, we can allow all parties to discuss their perspectives and experiences and talk through ways to prevent future occurrences of a similar event.</p>
<p>Section 5 (7) The debriefing session shall occur as soon as practicable, but not later than five (5) school days following the request of the parent or the emancipated youth, unless delayed by written mutual agreement of the parent or emancipated youth and the school.</p>	<p>CPI recommends debriefing as soon as possible following the event. It is important to make sure that all parties involved (student and staff) are back in physical and emotional control prior to conducting a debriefing.</p>
<p>Section 5 (8) The debriefing session shall include:</p> <ul style="list-style-type: none"> <li>(a) Identification of the events leading up to the seclusion or physical restraint;</li> <li>(b) Consideration of relevant information in the student's records and information from teachers, parents, other school district professionals, and the student;</li> </ul>	<p>Following CPI's Postvention process, the student, staff, and parents can review the incident for the details outlined in this section. Additionally, once the facts are gathered and patterns of behavior, triggers, or antecedents evaluated, then the next step is to look at alternative behaviors or interventions that the student and the staff can opt for in the future to avoid the need for restraint and seclusion.</p>

## Section 5. Documentation

- (c) Planning for the prevention and reduction of the need for seclusion or physical restraint, with consideration of the recommended appropriate positive behavioral supports and interventions to assist school personnel responsible for implementing the student's IEP, or Section 504 plan, or response to intervention plan, if applicable, and consideration of whether positive behavioral supports and interventions were implemented with fidelity; and
- (d) For any student not identified as eligible for services under either Section 504 of the Rehabilitation Act or the IDEA, consideration of a referral under either law and documentation of the referral or documentation of the basis for declining to refer the student.

Once alternatives have been discussed the team can negotiate a plan for future situations. This plan can be formal or informal as appropriate.

## Section. 6 Training

Section 6 (1) All school personnel shall be trained in state regulations and school district policies and procedures regarding physical restraint and seclusion. All school personnel shall be trained annually to use an array of positive behavioral supports and interventions to increase appropriate student behaviors, to decrease inappropriate or dangerous student behaviors and to respond to dangerous behavior. This training may be delivered utilizing web-based applications. This training shall include:

- (a) Appropriate procedures for preventing the need for physical restraint and seclusion, including positive behavioral supports and interventions;
- (b) State regulations and school district policies and procedures regarding physical restraint and seclusion;
- (c) Proper use of positive reinforcement;
- (d) The continuum of use for alternative behavioral interventions;
- (e) Crisis prevention;
- (f) De-escalation strategies for responding to inappropriate or dangerous behavior, including verbal de-escalation, and relationship building; and
- (g) Proper use of seclusion as outlined in Section 4 of this administrative regulation, including instruction on monitoring physical signs of distress and obtaining medical assistance when necessary.

CPI supports the idea that all school personnel should be trained in the preventive techniques and Positive Behavioral Interventions and Supports. CPI allows for those segments to be delivered by Certified Instructors in a formal training event that is either a full classroom delivery or taught utilizing CPI's blended learning option (part web-based, part in-class).

CPI also supports that all staff should receive this training at the time of employment and every six to twelve months thereafter. Training should be an ongoing process made up of formal and informal training events.

## Section. 6 Training

<p>Section 6 (2) All school personnel shall receive annual written or electronic communication from the district identifying core team members in the school setting who have been trained to implement physical restraint.</p>	<p>Part of the curriculum covers a discussion of who the crisis response team is and how staff can summon that team when necessary. This section supports that protocol.</p>
<p>Section 6 (3) A core team of selected school personnel shall be designated to respond to dangerous behavior and to implement physical restraint of students. The core team, except school resource officers and other sworn law enforcement officers, shall receive additional yearly training in the following areas:</p> <ul style="list-style-type: none"> <li>(a) Appropriate procedures for preventing the use of physical restraint except as permitted by this administrative regulation;</li> <li>(b) A description and identification of dangerous behaviors that may indicate the need for physical restraint and methods for evaluating the risk of harm in individual situations, in order to determine whether the use of physical restraint is safe and warranted;</li> <li>(c) Simulated experience of administering and receiving physical restraint, and instruction regarding the effect on the person physically restrained, including instruction on monitoring physical signs of distress and obtaining medical assistance;</li> <li>(d) Instruction regarding documentation and notification requirements and investigation of injuries; and</li> <li>(e) Demonstration by core team members of proficiency in the prevention and use of physical restraint.</li> </ul>	<p>While we agree that all staff can benefit from training in the preventive techniques for crisis intervention, we also agree that each school should have a core team designated to respond to dangerous behavior and to implement physical restraint or seclusion when the criteria have been met to utilize such interventions.</p> <p>This team will need the full <i>Nonviolent Crisis Intervention</i>® training program curriculum. The full course covers all of the preventive techniques, personal safety and debriefing, but also includes the added section on the safe use of physical restraint.</p> <p>Training in the safe use of physical restraint should include the experience of administering and receiving physical restraint. Additionally, staff should be assessed not only on their written competencies related to the de-escalation strategies, but their physical competencies as they relate to the safe application of physical restraint.</p>