

ALIGNMENT



The *Nonviolent Crisis Intervention*[®] Training Program and Wisconsin Act 125, Relating to the use of physical restraint on pupils 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 the **2011 Wisconsin Act 125, an Act to create 115.787 (2) (i) and 118.305 of the statutes, relating to the use of seclusion and physical restraint on pupils in public schools.** This bill is effective **September 1, 2012.**

SECTION 2. 118.305 Use of seclusion and physical restraint (1) Definitions

- (c) 1. **“Covered individual”** means all of the following, except as provided in subd. 2.:
 - 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. **“Covered individual”** does not include any of the following:
 - a. A member of a governing body.
 - b. A law enforcement officer who is authorized or designated by a governing body to perform any duty under s. 118.125 (1) (bL) 1. or 2. in a school governed by the governing body.
- (g) **“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.
- (h) **“School”** means a public school, including a charter school.
- (i) **“Seclusion”** means the involuntary confinement of a pupil, apart from other pupils, in a room or area from which the pupil is physically prevented from leaving.

SECTION 1. 115.787 (2) (i)

If the individualized education program team determines that the use of seclusion as defined in s. 118.305 (1) (i), or physical restraint, as defined in s. 118.305 (1) (g), may reasonably be anticipated for the child, appropriate positive interventions and supports and other strategies that address the behavior of concern and that comply with all of the following:

- 1. The interventions, supports, and other strategies are based upon a functional behavior assessment of the behavior of concern.
- 2. The interventions, supports, and other strategies incorporate the use of the term “seclusion” or “physical restraint.”
- 3. The interventions, supports, and other strategies include positive behavioral supports.

***Nonviolent Crisis Intervention*® Training Program**

In general terms, CPI cautions against the use of restraint or seclusion as a planned intervention. Each instance of restraint or seclusion should be a last resort, based on an evaluation of imminent risk to the physical safety of the student or others, and should be used only when the danger presented by the acting-out behavior outweighs the risks associated with the use of restraint and seclusion. However, if it is to be written into an Individualized Education Program (IEP), we recommend it to be after an established pattern of behaviors requiring the use of restraint and seclusion and at the completion of a full Functional Behavioral Assessment (FBA).

Restraint and seclusion, along with the associated de-escalation techniques, should integrate as part of a school-wide approach to creating a positive school culture. CPI's *Nonviolent Crisis Intervention*® training correlates with the themes, premises, and strategies of Positive Behavioral Interventions and Supports (PBIS). For a full alignment of our program themes, premises, and strategies with those of PBIS, please see crisisprevention.com/Resources/Alignments.

SECTION 2. 118.305 Use of seclusion and physical restraint (2) SECLUSION: CONDITIONS FOR USE	<i>Nonviolent Crisis Intervention</i>[®] Training Program
<p>A covered individual may use seclusion on a pupil at school only if all of the following apply:</p> <ul style="list-style-type: none"> (a) The pupil's behavior presents a clear, present, and imminent risk to the physical safety of the pupil or others and it is the least restrictive intervention feasible. (b) A covered individual maintains constant supervision of the pupil, either by remaining in the room or area with the pupil or by observing the pupil through a window that allows the covered individual to see the pupil at all times. (c) The room or area in which the pupil is secluded is free from objects or fixtures that may injure the pupil. (d) The pupil has adequate access to bathroom facilities, drinking water, necessary medications, and regularly scheduled meals. (e) The duration of the seclusion is only as long as necessary to resolve the clear, present, and imminent risk to the physical safety of the pupil or others. (f) No door connecting the room or area in which the pupil is secluded to other rooms or areas is capable of being locked. 	<p>CPI's <i>Nonviolent Crisis Intervention</i>[®] training program addresses a myriad of intervention strategies to prevent or manage assaultive and disruptive behavior. While CPI does not speak directly to the use of seclusion within our curriculum, we do recognize that it is a strategy used in schools, where permitted, as part of a continuum of emergency interventions.</p> <p>CPI's program teaches that any emergency intervention 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>Furthermore, CPI teaches that all interventions should be continuously monitored face-to-face for level of imminent risk and signs of distress that may occur when using restraint and/or seclusion.</p> <p>CPI teaches that all emergency interventions should end at the earliest possible moment, when the pupil is no longer an imminent risk to the physical safety of self or others.</p>

SECTION 2. 118.305 Use of seclusion and physical restraint (3) PHYSICAL RESTRAINT: CONDITIONS FOR USE	<i>Nonviolent Crisis Intervention</i>[®] Training Program
<p>A covered individual may use physical restraint on a pupil at school only if all of the following apply:</p> <ul style="list-style-type: none"> (a) The pupil's behavior presents a clear, present, and imminent risk to the physical safety of the pupil or others and it is the least restrictive intervention feasible. (b) There are no medical contraindications to its use. (c) The degree of force used and the duration of the physical restraint do not exceed the degree and duration that are reasonable and necessary to resolve the clear, present, and imminent risk to the physical safety of the pupil or others. (d) None of the following maneuvers or techniques are used: <ul style="list-style-type: none"> 1. Those that do not give adequate attention and care to protecting the pupil's head. 2. Those that cause chest compression by placing pressure or weight on the pupil's chest, lungs, sternum, diaphragm, back, or abdomen. 	<p>CPI's <i>Nonviolent Crisis Intervention</i>[®] training program addresses a myriad of intervention strategies to prevent or manage assaultive and disruptive behavior.</p> <p>CPI's program teaches that physical restraint should be used only as a last resort when the individual is an imminent risk to the physical safety of self or others, and when less restrictive interventions have been tried and have failed or are deemed inappropriate. Physical restraint should never be used as a punishment, a consequence, or for staff convenience.</p> <p>Furthermore, CPI teaches that all interventions should be continuously monitored face-to-face for level of risk and signs of distress that may occur when using restraint and/or seclusion. CPI recommends that, whenever possible, the pupil's record include any information from a physician that may indicate that the use of physical restraint is contraindicated for that pupil. At a minimum, a list of factors that could put the pupil at greater risk for harm during restraint use should be noted (e.g., asthma, cardiac conditions, the use of certain psychotropic medications).</p>

SECTION 2. 118.305 Use of seclusion and physical restraint (3) PHYSICAL RESTRAINT: CONDITIONS FOR USE	<i>Nonviolent Crisis Intervention</i> ® Training Program
<p>3. Those that place pressure or weight on the pupil's neck or throat, on an artery, or on the back of the pupil's head or neck, or that otherwise obstruct the pupil's circulation or breathing.</p> <p>(e) It does not constitute corporal punishment, as defined in s. 118.31 (1).</p> <p>(f) The covered individual does not use a mechanical or chemical restraint on the pupil. The use of supportive equipment to properly align a pupil's body, assist a pupil to maintain balance, or assist a pupil's mobility, under the direction and oversight of appropriate medical or therapeutic staff, does not constitute the use of a mechanical restraint.</p>	<p>CPI teaches that all emergency interventions should end at the earliest possible moment, when the pupil is no longer an imminent risk to the physical safety of self or others. Additionally, we offer a range of physical restraint techniques to ensure that the least restrictive intervention is used based on the situation.</p> <p>The physical restraint procedures taught within the <i>Nonviolent Crisis Intervention</i>® training program do not place pressure or weight on the pupil's chest, lungs, sternum, diaphragm, back, or abdomen, nor do they put pressure on the pupil's neck or throat or restrict circulation or breathing. CPI teaches only standing physical restraint techniques in our basic <i>Nonviolent Crisis Intervention</i>® training program. We do not teach physical restraints that take place in the higher-risk positions such as prone, supine, seated, or side restraints. In addition, CPI does not teach any physical restraints that involve holding the pupil against a hard surface such as a wall or table.</p>

SECTION 2. 118.305 Use of seclusion and physical restraint (4) NOTIFICATION AND REPORTING FOLLOWING USE OF SECLUSION OR PHYSICAL RESTRAINT:	<i>Nonviolent Crisis Intervention</i> ® Training Program
<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> <ol style="list-style-type: none"> 1. As soon as practicable, but no later than one business day after the incident, notify the pupil's parent of the incident and of the availability of the written report under subd. 2. 2. Within 2 business days after the incident and after consulting with the covered individuals present during the incident, prepare a written report containing all of the following information: <ol style="list-style-type: none"> a. The pupil's name. b. The date, time, and duration of the use of seclusion or physical restraint. c. A description of the incident, including a description of the actions of the pupil before, during, and after the incident. d. The names and titles of the covered individuals present during the incident. 	<p>CPI's program teaches that all instances of restraint and seclusion use should be debriefed with the pupil involved, as well as with the team that intervened. Part of the debriefing process is to orient both the pupil and the staff to the basic facts of the incident and to document the incident.</p> <p>The act of debriefing allows both the pupil and the staff involved to evaluate their responses and behaviors in the situation and to plan for alternative behaviors and intervention strategies in the future. This act of debriefing assists all people involved with preventing similar emergency situations from occurring in the future.</p> <p>CPI recommends that staff document the pupil's actions that occurred before, during, and after the incident. In addition, CPI recommends that staff document their own responses to the observed behavior responses that occurred before, during, and after the incident. This aids staff in assessing the strengths and weaknesses of their responses to the pupil's behavior, and allows them to make necessary changes to their responses and to the IEP as necessary.</p>

SECTION 2. 118.305 Use of seclusion and physical restraint (6) PHYSICAL RESTRAINT; TRAINING.	<i>Nonviolent Crisis Intervention</i> ® Training Program
<p>(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:</p> <ol style="list-style-type: none"> 1. Methods of preventing the need for physical restraint. 2. An identification and description of dangerous behavior that may indicate the need for physical restraint and methods for evaluating risk of harm in order to determine whether physical restraint is warranted. 3. Experience in administering and receiving various types of physical restraint. 4. Instruction regarding the effects of physical restraint on the person restrained, in monitoring signs of physical distress, and in obtaining medical assistance. 5. Instruction in documenting and reporting incidents of physical restraint. 6. A requirement that the trainee demonstrate proficiency in administering physical restraint. 	<p>CPI recommends that, at a minimum, all staff receive training in the preventive techniques. (Units I–VII and X of our course).</p> <p>CPI's full course (Units I–X) includes not only preventive techniques, but also the safe use of restraint as a last resort.</p> <p>Each school should ensure that it has an adequate number of staff trained in both the preventive techniques and the physical restraints to effectively respond to emergency situations in the school building.</p> <p>CPI recommends that training be an ongoing process and that formal refreshers be conducted every six to 12 months. Formal refreshers, taught within the guidelines of the Instructor Manual, are a minimum of three hours.</p> <p>Each district should determine pass/fail criteria for its staff that include at a minimum:</p> <ul style="list-style-type: none"> ▪ Written competency. ▪ Physical competency. ▪ Agreement with the philosophy of <i>Care, Welfare, Safety, and Security</i>™. <p>CPI's program is focused on recognizing the early warning signs of potential crisis situations and equipping staff with the skills to prevent and de-escalate these situations. For situations that have escalated, CPI offers education on the identification of dangerous behaviors that may require the use of physical restraint or seclusion; how to monitor for signs of distress; and a review of the organization's response protocols for accessing medical assistance.</p>