

## ALIGNMENT

# New Mexico Adds New Requirements for the Use of Restraints in Public Schools (31 N.M. Reg. 761; 6.11.2.9 NMAC; Adopted and Effective 8/25/20)

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Alignment to Crisis Prevention Institute, Inc. (CPI)  
*Nonviolent Crisis Intervention*® (NCI) 2<sup>nd</sup> 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 2<sup>nd</sup> Edition training program meet the requirements in New Mexico's new regulations, 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 2<sup>nd</sup> 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 behaviors 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 2<sup>nd</sup> Edition training program can help education organizations in the state of New Mexico comply with the training and documentation requirements within this law. It may also assist you in identifying areas that require a review and/or revision in your organization's policies and procedures.

6.11.2.9 Enforcing Rules of Conduct	Correlation With NCI 2 <sup>nd</sup> Edition Training
<p>E. Restraint or seclusion. In accordance with Section 22-5-4.12 NMSA 1978, each school shall establish requirements for the use of restraint and seclusion techniques.</p> <p>(1) Schools shall establish policies and procedures, as approved by the local school board or governing body, for the use of restraint and seclusion techniques. Schools shall review such policies and procedures on a triennial basis, before submitting the school safety plan.</p> <p>(a) A school may permit the use of restraint or seclusion techniques on any student only if the student's behavior presents an imminent danger of serious physical harm to the student or others and only if less restrictive interventions appear insufficient to mitigate the imminent danger of serious physical harm. Less restrictive interventions include de-escalation strategies, positive behavioral intervention supports, or other comparable behavior management techniques.</p>	<p>The NCI 2<sup>nd</sup> 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 our <i>Decision-Making Matrix</i><sup>SM</sup>, 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> 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. Our Advanced Physical Skills course also includes the use of Emergency Floor Holding, which is designated as higher-level holding.</p>
<p>(b) The restraint or seclusion techniques shall be used only by school employees who are trained in de-escalation strategies, positive behavioral intervention supports, and the safe and effective use of restraint and seclusion techniques, unless an emergency does not allow sufficient time to summon those trained school employees.</p>	<p>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.</p>

(c) The restraint or seclusion techniques shall not impede the student's ability to breathe or speak, shall be in proportion to a student's age and physical condition, and shall end when the student's behavior no longer presents an imminent danger of serious physical harm to the student or others.

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 the vision or breathing of an individual.

(d) If a restraint or seclusion technique is used on a student, trained and authorized school employees shall maintain continuous visual observation and monitoring of the student while the restraint or seclusion technique is in use.

CPI teaches that all interventions should be continuously monitored face-to-face to assess the level of imminent risk and signs of distress that may occur when using restraint and/or seclusion.

(3) Policies and procedures for the use of restraint and seclusion techniques shall require and describe appropriate training for designated school personnel.

The NCI 2<sup>nd</sup> Edition Training Program is designed to be interactive and allows continual opportunity for questions and answers. Whether delivered in person or via our blended delivery option, our train-the-trainer approach ensures that knowledgeable staff are always available to assist your organization with questions or concerns they may have. In addition, CPI leads the training industry with online learning options. From in-person classroom-style training to our blended delivery model, video-on-demand, and DVD programs, you have numerous options to choose from. Many CPI programs are also integrated with topics that are deeply relevant to the education field, such as trauma-informed care.

(a) School districts and charter schools shall provide training for designated school personnel regarding de-escalation strategies, positive behavioral intervention supports, or other comparable behavior management techniques and the use of restraint or seclusion techniques. Designated school personnel shall attend training at least every two years or complete a certification course, exam, or other comparable demonstration of competency that provides evidence that the individual has up-to-date knowledge of proper restraint and seclusion techniques.

(b) In the event that new designated school personnel are identified within the school after the provision of the training, certification course, exam, or other comparable demonstration of competency, the school district or charter school shall ensure that a training or other competency demonstration is provided to new designated school personnel within 60 days of being designated.

CPI advocates for refresher training to take place at least annually. To help you with this, CPI has the largest selection of refresher courses to not only refresh your staff in existing content, but to give them new skills as well. Topics ranging from trauma-informed care to communicating with those who have autism spectrum disorder can help you refresh and expand staff confidence and competency in dealing with situations.

(4) Policies regarding restraint or seclusion shall consider school district support and strategies for school employees to successfully reintegrate a student who has been restrained or secluded back into the school or classroom environment.

(5) Schools shall implement the following review procedures for incidents in which restraint or seclusion techniques are used.

CPI training emphasizes the importance of post-incident assessments after a restraint was used.

(a) If a student has been restrained or secluded two or more times within 30 calendar days, the school shall review strategies used to address the student's behavior and determine whether the student needs

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

Staff can use the debriefing model to analyze each

a functional behavior assessment or referral to a student assistance team, behavioral intervention plan team, or, if a student has an individualized education program, a referral to the student's individualized education program team.

(b) If a student has been restrained or secluded two or more times within 30 calendar days, the student's individualized education program team, behavioral intervention plan team, or student assistance team shall meet within two weeks of each subsequent use to provide recommendations for avoiding future incidents requiring the use of restraint or seclusion.

(c) The review shall include whether school personnel involved in the incidents were trained in the use of de-escalation strategies, positive behavioral intervention supports, or restraint and seclusion techniques. Additionally, the review shall consider whether the individual who restrained or secluded a student needs additional training.

(d) To improve internal practices relative to incidents of restraint or seclusion, schools shall conduct an annual review and analysis of all incidents in which restraint or seclusion techniques were used, including the number of incidents, the type of incident, personnel involved, the need for additional training, and student demographics.

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. 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.