

The Use of Aversive Intervention, Physical Restraint and Mechanical Restraint on Pupils with Disabilities

NRS § 388.471-388.521 (AB56/280)

2021-2022 Data Reporting

Special Education Advisory Committee

Meeting

10/19/22

AB280

- Assembly Bill 280 (AB280) was passed by the Nevada State Legislature in 1999 in response to concerns about the use of aversive interventions and physical or mechanical restraints with students with disabilities.
 - According to the legislative history, "the legislation was intended to promote the use of positive behavioral supports and to prohibit the use of aversive or deprivation techniques, especially when those techniques were used because of a disability."
 - The provisions of AB280 are now contained in Nevada Revised Statutes at §388.471-388.521 (previously NRS §388.521-388-5315), they apply specifically to students with disabilities eligible for special education services under the provisions of Nevada Administrative Code Chapter 388.

Definitions

- Aversive Interventions
- Physical Restraint
- Mechanical Restraint

Aversive intervention

- “Aversive intervention” means any aversive action used to punish a pupil with a disability or to eliminate, reduce or discourage maladaptive behavior of a pupil with a disability.
- No Exceptions

Aversive intervention continued

1. The use of noxious odors and tastes;
2. The use of water and other mists or sprays;
3. The use of blasts of air;
4. The use of corporal punishment;
5. The use of verbal and mental abuse;
6. The use of electric shock;
7. The administration of chemical restraint to a person;
8. The placement of a person alone in a room where release from the room is prohibited by a mechanism, including, without limitation, a lock, device or object positioned to hold the door closed or otherwise prevent the person from leaving the room;

Aversive intervention cont.

9. Requiring a person to perform exercise under forced conditions if the:

- (a) Person is required to perform the exercise because he or she exhibited a behavior that is related to his or her disability;
- (b) Exercise is harmful to the health of the person because of his or her disability; or
- (c) Nature of the person's disability prevents him or her from engaging in the exercise; or

10. The deprivation of necessities needed to sustain the health of a person, regardless of the length of the deprivation, including, without limitation, the denial or unreasonable delay in the provision of:

- (a) Food or liquid at a time when it is customarily served; or
- (b) Medication.

Physical Restraint

“Physical restraint” means the use of physical contact to limit a person’s movement or hold a person immobile.

Conditions under which physical restraint may be used

1. A physical restraint may be used on a pupil with a disability only if:
 - (a) An emergency exists that necessitates the use of physical restraint;
 - (b) The physical restraint is used only for the period that is necessary to contain the behavior of the pupil so that the pupil is no longer an immediate threat of causing physical injury to the pupil or to others or causing severe property damage; and
 - (c) The use of force in the application of physical restraint does not exceed the force that is reasonable and necessary under the circumstances precipitating the use of physical restraint.

Conditions under which physical restraint may be used continued

2. Physical restraint may be used on a pupil with a disability if the physical restraint is used to:

(a) Assist the pupil in completing a task or response if the pupil does not resist the application of physical restraint or if the pupil's resistance is minimal in intensity and duration;

(b) Escort or carry the pupil to safety if the pupil is in danger in his or her present location; or

(c) Conduct medical examinations or treatments on the pupil that are necessary.

Mechanical Restraint

“Mechanical restraint” means the use of devices, including, without limitation, mittens, straps and restraint chairs to limit a person’s movement or hold a person immobile.

Conditions under which mechanical restraint may be used

1. Except as otherwise provided in subsection 2, mechanical restraint may be used on a pupil with a disability only if:
 - (a) An emergency exists that necessitates the use of mechanical restraint;
 - (b) A medical order authorizing the use of mechanical restraint from the pupil's treating physician or advanced practice registered nurse is included in the pupil's individualized education program before the application of the mechanical restraint;
 - (c) The physician or advanced practice registered nurse who signed the order required pursuant to paragraph (b) or the attending physician or attending advanced practice registered nurse examines the pupil as soon as practicable after the application of the mechanical restraint;

Conditions under which mechanical restraint may be used continued

(d) The mechanical restraint is applied by a member of the staff of the school who is trained and qualified to apply mechanical restraint;

(e) The pupil is given the opportunity to move and exercise the parts of his or her body that are restrained at least 10 minutes per every 60 minutes of restraint, unless otherwise prescribed by the physician or advanced practice registered nurse who signed the order;

(f) A member of the staff of the school lessens or discontinues the restraint every 15 minutes to determine whether the pupil will stop injury to himself or herself without the use of the restraint;

Conditions under which mechanical restraint may be used cont.

(g) The record of the pupil contains a notation that includes the time of day that the restraint was lessened or discontinued pursuant to paragraph (f), the response of the pupil and the response of the member of the staff of the school who applied the mechanical restraint;

(h) A member of the staff of the school continuously monitors the pupil during the time that mechanical restraint is used on the pupil; and

(i) The mechanical restraint is used only for the period that is necessary to contain the behavior of the pupil so that the pupil is no longer an immediate threat of causing physical injury to himself or herself.

Reporting Requirements

- Districts track, compile, and submit an annual report to NDE. This report includes aversive interventions, mechanical restraints (permissible and non-permissible), and physical restrains (permissible and non-permissible).

Reporting Requirements Continued

- Non-permissible restraints, seclusions and aversive interventions require a corrective action procedure with oversight and approval from NDE.
- Emergency Use/Permissible restraints and seclusions are tracked and monitored within each district.
 - Parents, IEP teams, and the Board or Designee must be notified and provided a copy of the report.
 - Denial or rights determination must be made by the Board or Designee.

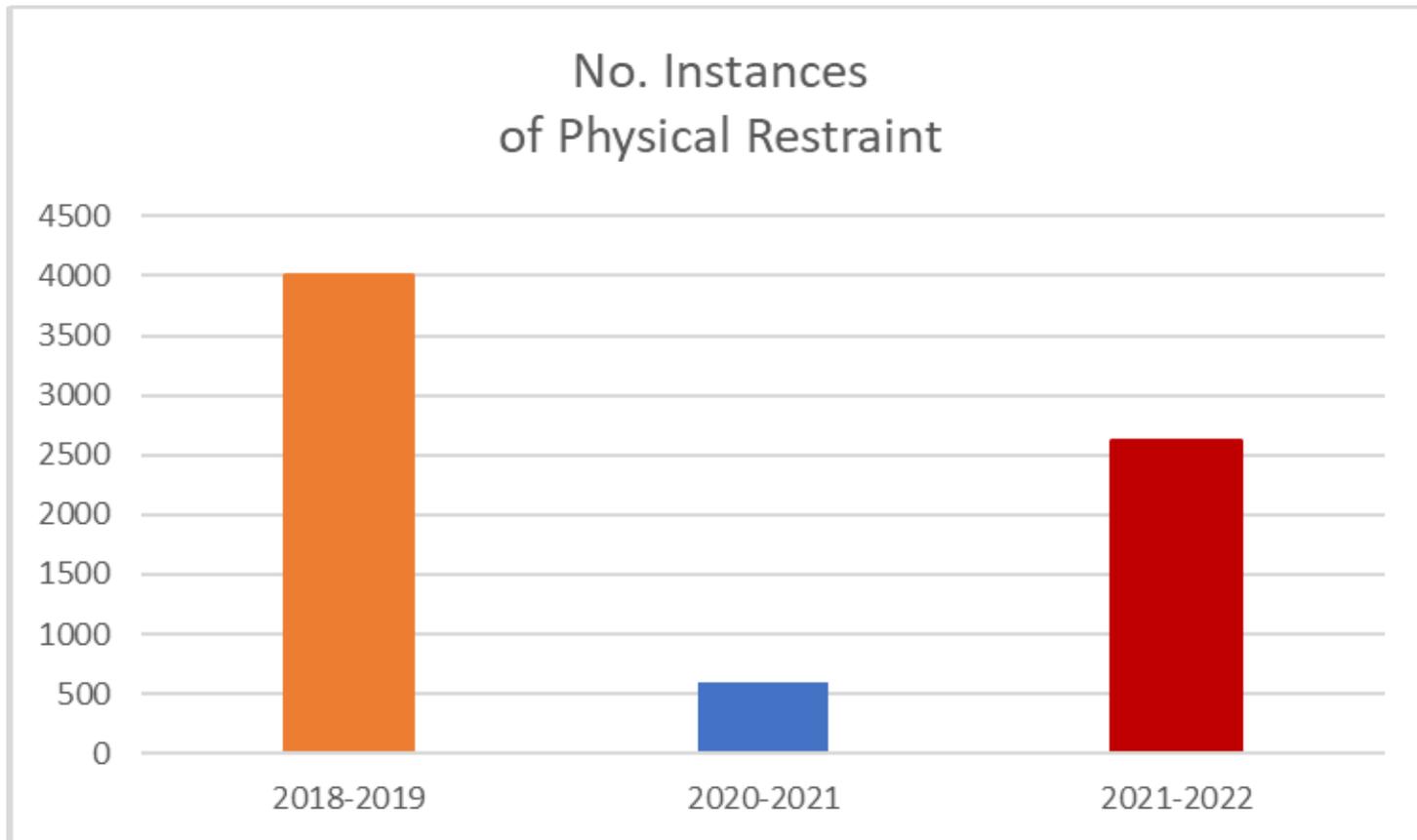
ACCESS NV

- Portal for all districts to report violations, with system generated responses and reminders.
- Annual reporting will be done via the portal for all districts, and private schools.
- NDE system interface with Infinite Campus or other systems districts use to eliminate duplication of entry.
- Ability to look at data from different entry points and generate reports.

Trends in the Data

School Year	No. Instances of Physical Restraint	No. Instances of Mechanical Restraint	Non-Permissible Physical Restraint	Non-Permissible Mechanical Restraint	Aversive Intervention
2018-2019	4000	24	51	11	30
2020-2021	597	3	18	3	5
2021-2022	2615	12	53	12	23

Trends in the Data Continued



List of School Districts	Number of Instances of Physical Restraint	Number of Instances of Mechanical Restraint	Non-Permissible Physical Restraint ¹	Non-Permissible Mechanical Restraint ²	Aversive Intervention
Carson City	3	0	1	0	1
Churchill	2	0	1	0	1
Clark	2210	12	37	12	16
Douglas	6	0	1	0	0
Elko	12	0	0	0	0
Esmeralda	0	0	0	0	0
Eureka	0	0	0	0	0
Humboldt	26	0	6	0	2
Independence HS	1	0	1	0	0
Lander	0	0	0	0	0
Lincoln	0	0	0	0	0
Lyon	52	0	1	0	1
Mineral	0	0	0	0	0
Nye	13	0	1	0	0
Pershing	0	0	0	0	0
Storey	0	0	0	0	0
Washoe	215	0	4	0	2
White Pine	0	0	0	0	0
SPCSA	75	0	0	0	0



^[1] Note that each non-permissible use of physical restraint is also counted in the column to the left for total instances of physical restraint.

^[2] Note that each non-permissible use of mechanical restraint is also counted in the column to the left for total instances of mechanical restraint.

Questions?



Contact Information

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