

THE USE OF AVERSIVE INTERVENTION, PHYSICAL RESTRAINT AND MECHANICAL RESTRAINT ON PUPILS WITH DISABILITIES

TECHNICAL ASSISTANCE GUIDELINES AND SCHOOL DISTRICT REPORTING REQUIREMENTS FOR NRS §388.521-388.5315

February 2010

I. BACKGROUND

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 §388.521-388.5315, and apply specifically to students with disabilities eligible for special education services under the provisions of Nevada Administrative Code Chapter 388. These statutes are commonly and collectively referred to as the "AB280" law.

Assembly Bill 56 was passed by the Nevada State Legislature in 2009. This bill revised some NRS provisions regarding the use of aversive interventions, physical restraints, and mechanical restraints on pupils with disabilities. The revisions added new reporting requirements for the state, districts, and schools. The legislation also added required steps for schools and staff which are triggered according to the number of times a given student has been subjected to physical or mechanical restraints under emergency conditions in a given school year.

This document is intended to provide technical assistance in the implementation of statutory provisions contained in NRS §388.521-388.5315. Tasks and timelines contained in the statutes are highlighted. Some additional steps are suggested as possible actions that districts may take when those steps might provide a more coherent and consistent implementation of the statutes, even though these steps are not required by statute. When these suggestions are made, they are intended to be advisory only. Nothing in this document is intended to create requirements or obligate school districts to use any particular forms or means for ensuring compliance with NRS §388.521-388.5315, or to take steps beyond those specifically required in the statutes.

II. DEFINITIONS

Several definitions are provided in NRS §388.521-526. Some key definitions are set forth below.

What is a physical restraint?

The use of physical contact to limit a person's movement or hold a person immobile.

What is a mechanical restraint?

The use of devices, including, without limitation, mittens, straps and restraint chairs to limit a person's movement or hold a person immobile.

What is an aversive intervention?

Any of the following actions, if the action is used to punish a student with a disability or to eliminate, reduce or discourage maladaptive behavior of a student with a disability:

- √ Noxious odors and tastes
- √ Water and other mists or sprays
- √ Blasts of air
- √ Corporal punishment (intentional infliction of physical pain, including, hitting, pinching, or striking)
- √ Verbal and mental abuse (actions or utterances that are intended to cause and actually cause severe emotional distress to a person)
- √ Electric shock
- √ Chemical restraint (administration of drugs for the specific and exclusive purpose of controlling an acute or episodic aggressive behavior when alternative intervention techniques have failed to control the behavior; does not include drugs administered on a regular basis as prescribed by a physician)
- √ Placement of a person alone in a room where release from the room is prohibited by a mechanism, or otherwise preventing the person from leaving the room (including a lock, device or object positioned to hold the door closed)
- √ Requiring a person to perform exercise under force ("forced" if student (a) required to perform the exercise because of a behavior related to his/her disability; (b) required to exercise even though harmful to student's health; (c) required to exercise even though the student's disability prevents participation in the exercise)

- √ Deprivation of necessities needed to sustain the health of a person, regardless of the length of the deprivation (including denial or unreasonable delay in the provision of (a) food or liquid at a time when it is customarily served; or (b) medication)

III. PERMISSIBLE USES OF PHYSICAL AND MECHANICAL RESTRAINTS

Both physical and mechanical restraints have uses that are permitted under the statutes and are not violations. Aversive interventions are never permitted.

Permissible Uses

(NRS §388.5275.2) – A physical restraint may be used to:

- Assist the student in completing a task;
- Escort or carry a student to safety if the pupil is in danger; or
- Conduct medical examinations or treatments.

(NRS §388.528.2) – A mechanical restraint may be used to:

- Treat the medical needs of the student;
- Protect a student who is known to be at risk of injury;
- Provide proper body alignment to a student; or
- Position a student who has physical disabilities in a manner prescribed in the IEP.

Emergency Uses in Compliance with Statute

The statutes also permit the use of physical or mechanical restraints in emergency situations if all requirements of the statute have been satisfied. Under the statutes, *emergency* means a situation in which immediate intervention is necessary to protect the physical safety of a person or others from an immediate threat of physical injury or to protect against an immediate threat of severe property damage.

(NRS §388.5275.1) – Permissible emergency use of physical restraint requires:

- An emergency that necessitates the use of physical restraint;
- A limited period of use necessary to contain behavior; and
- A force which does not exceed that which is reasonable and necessary.

(NRS §388.528.1) – Permissible emergency use of mechanical restraint requires:

- An emergency that necessitates the use of mechanical restraint;
- A medical order which is included in the student's IEP before application of mechanical restraint;
- An examination of the student by the physician who signed the medical order or the attending physician as soon as practicable after application of mechanical restraint;
- A trained and qualified staff to apply mechanical restraint;

- An opportunity to move and exercise at least 10 minutes per every 60 minutes of restraint, unless otherwise prescribed;
- A determination whether the student will stop injury to himself without the use of the restraint every 15 minutes;
- Documentation in the record of the above determination, the response of the student and the response of the member of the staff of the school who applied the mechanical restraint;
- Continuous monitoring by staff; and
- Use only for the period that is necessary to contain the behavior so that the student is no longer an immediate threat of causing physical injury to himself.

IV. PROHIBITED ACTIONS

The statutes prohibit any use of aversive interventions as defined under the statutes. The statutes also prohibit non-permissible uses of physical or mechanical restraints, which include (1) emergency uses that do not comply with the statutory requirements, and (2) any other uses not specifically defined as permissible.

V. PROCEDURAL STEPS SUGGESTED

If a staff member or other person working within the district uses a physical or mechanical restraint or an aversive intervention with a student with a disability, the school district may choose to adopt procedures for conducting an investigation within 24 hours. This 24-hour timeframe is important because when physical or mechanical restraints are used in an emergency, a report must be made within one working day, and for violations of the statutes, a report must be made within 24 hours or as soon thereafter as a violation is discovered. Because these timeframes for filing reports are very short, schools and school districts may choose to adopt procedures which trigger immediate action.

Following is a series of suggested steps to ensure that districts are in compliance with the provisions of the statutes. Where certain actions are mandated by the statutes, those requirements are identified. When certain actions are suggested for coherence and consistency, those suggestions are also identified through the use of terms like "may" and "should." A flow chart of procedures, including steps required by the statutes as well as steps suggested for coherence and consistency, is provided with these materials.

Step 1: Determine whether the student is a student with a disability. If not, the provisions of these statutes do not apply. However, other protections exist and questionable actions should be reported to supervisors (e.g., corporal punishment is prohibited for all students under NRS §392.4633).

Step 2: Determine whether the use is clearly listed as permissible under the statutes.

Was it one of the specified permissible uses of a physical restraint?

- *assist student with task*
- *escort or carry student to safety*
- *conduct medical exams/treatments*

Was it one of the specified permissible uses of a mechanical restraint?

- *treat medical needs*
- *protect student known to be at risk of injury*
- *provide proper body alignment*
- *position in manner prescribed in IEP*

If the answer is clearly "Yes, the use is permitted under the statute," appropriate notes and/or documentation may be kept if appropriate under the circumstances, and the staff member should be prepared to explain his/her determination that the use was permissible. No reporting is required; however, see below for suggested steps.

In all other instances, the staff member should immediately report the situation to the School Principal/Designee (SP/D). This suggestion applies to these instances:

- Uses of physical or mechanical restraints in emergency situations that comply with the statutes, and are therefore not violations
- Uses of physical or mechanical restraints that do not comply with the permissible uses under the statutes, and therefore are violations
- Uses of physical or mechanical restraints, when staff members are uncertain about whether the use complies with the permissible uses under the statutes, and which may or may not be violations
- Uses of aversive interventions, which are violations

Because a very short timeline exists to take necessary actions in the situations listed above, School Principals should establish and clearly communicate the identity of the Designee if a Designee is used.

Step 3: When the School Principal or Designee (SP/D) is informed that one of the above situations has occurred, the SP/D should conduct an investigation of the incident, although the statutes do not specifically require this step. Because the statutes contain strict timelines for action following the use of restraints in emergency situations and when violations of the statutes occur, it is suggested that no more than 24 hours should pass without conducting an investigation, making a determination about what occurred, and developing a report. A suggested format for this report is attached – see Restraints/Aversive Interventions Investigation Report (“Investigation Report”).

The investigation may include the following activities:

1. The SP/D gathers information from student, teacher(s), aide(s), or others involved, student(s) who may have witnessed the incident, and teacher(s) and/or staff who may have witnessed the incident. The SP/D maintains detailed notes of the investigation.

For the possible use of a physical or mechanical restraint in an emergency in compliance with the statute, Worksheet A may be used as a guideline to evaluate the "emergency" requirements. In the event that an emergency use of a physical or mechanical restraint has been used in compliance with the statute, Worksheet A may be attached to the Investigation Report.

For the possible use of a non-permissible physical or mechanical restraint, Worksheet B may be used as a guideline. In the event that a non-permissible physical or mechanical restraint has been used, Worksheet B may be attached to the Investigation Report.

For the possible use of an aversive intervention, Worksheet C may be used as a guideline. In the event that an aversive intervention has been used, Worksheet C may be attached to the Investigation Report.

2. Perhaps in consultation with the Director of Special Services (or Designee), the SP/D may complete the Investigation Report, and one of the following four boxes would be checked in the "Conclusion" section:

- Permissible Use of Physical or Mechanical Restraint ("No Violation")**
- Emergency Use of Physical or Mechanical Restraint in Compliance with Statute ("No Violation") (Attach Worksheet A)**
- Non-Permissible Use of Physical or Mechanical Restraint ("Violation") (Attach Worksheet B)**
- Aversive Intervention ("Violation") (Attach Worksheet C)**

Step 4: Depending upon the conclusion reached by the SP/D, perhaps in consultation with the Director of Special Services (or Designee), one of the four following courses of action should be followed. Some procedures are suggested, yet not required by the statutes. Note that the worksheets have incorporated some suggestions that are not requirements concerning placing reports in the student's Cumulative Record and Special Education Confidential File, and providing reports to a student's IEP Committee including the parent or guardian, even where the statute does not specifically require that these steps be taken. Timelines provided in the statutes are underlined for clarity.

- Permissible Use of Physical or Mechanical Restraint ("No Violation")**

Ordinarily, clearly permissible uses are not investigated and reports are not generated. However, if a staff member is uncertain about whether a use of restraint was permissible, staff members should report those uses to the SP/D, and it is suggested that the SP/D may investigate and may prepare an Investigation Report.

The statutes do not require that any investigative report which may have been generated be placed in the student's Cumulative Record and Special Education Confidential File if a determination has been made that the use was permissible (and not a permissible emergency use, which has separate reporting requirements noted below). However, for consistency and to foster communication with the parent, the district may elect to place any investigative report in the student's Cumulative Record and Special Education Confidential File and contact the parent to advise of the occurrence.

☑ Emergency Use of Physical or Mechanical Restraint in Compliance with Statute ("No Violation")

If there has been an emergency use of physical or mechanical restraint in compliance with the statutes, the statutes require that a report must be placed in the student's Cumulative Record and Special Education Confidential File within one working day of emergency use. The Investigation Report form included with this document may be used for this purpose.

A copy of the report must be provided to the Board of Trustees or its Designee, and to the student's IEP Committee including the parent or guardian of the student. The statutes do not prescribe a timeframe for providing this report to these individuals, but since the report must be placed in the student's file within one working day, it is suggested that the report be provided to these individuals within one working day also.

Determination of Denial of Rights

The report is provided to the Board of Trustees or its Designee for the purpose of determining whether there has been a denial of student's rights. If the Board or its designee determines that there has been a denial of the student's rights, the Board or its designee must submit a report to the Nevada Department of Education (NDE). The report must set forth in detail the factual circumstances surrounding the denial. The denial of rights must also be reported to the student's Cumulative Record and Special Education Confidential File. Although it is not required in the statutes, it is suggested that the denial of the student's rights be reported to the student's IEP Committee including the parent or guardian. The format for the report of the denial of rights is not specified in the statutes; school districts may use whatever format they deem appropriate. The statutes also do not prescribe a timeframe for the Board or its Designee to determine whether there has been a denial of the student's rights or to report the denial of rights to the student's Cumulative Record, Special Education Confidential File, and the NDE.

Although the statute does not define "denial of rights," a review of the legislative history suggests that these rights include protections found elsewhere in federal and state law (e.g., protection from discrimination, the right to be treated with dignity and respect).

If the NDE receives a report from the Board of Trustees concerning a denial of rights, the statutes provide that the NDE may investigate apparent violations and act to resolve disputes relating to apparent violations.

Additional Steps Based on Cumulative Reports

Three Reports. If a student has three reports of the use of physical or mechanical restraint in an emergency situation in one school year, the school district must notify the school where the student is enrolled to review the circumstances of the use of the restraint on the student and provide a report to the school district on its findings.

Five Reports. If a student has five reports of the use of physical or mechanical restraint in an emergency situation in one school year, the school district must convene a meeting to review the student's IEP.

Subsequent Reports. If physical or mechanical restraints in emergency situations continue after the IEP review, the IEP must be revised to include "additional methods that are appropriate for the pupil to ensure that the restraint does not continue, including, without limitation, mentoring, training, a functional behavioral assessment, a positive behavior plan and positive behavioral supports."

Non-Permissible Use of Physical or Mechanical Restraint ("Violation")

The statutes do not require that any investigative report which may have been generated be placed in the student's Cumulative Record and Special Education Confidential File if a determination has been made that the use of physical or mechanical restraints was non-permissible (i.e., a violation). The statutes also do not require that any investigative report be provided to the student's IEP Committee including the parent or guardian. However, for coherence and consistency, and to foster communication with the parent, the district may elect to place any investigative report in the student's Cumulative Record and Special Education Confidential File and provide copies to the student's IEP Committee including the parent. Since the statutes require that the violation be reported to the Board of Trustees not later than 24 hours after the violation, or as soon thereafter as the violation is discovered, it is suggested that any investigative report which may have been generated be placed in the student's Cumulative Record and Special Education Confidential File and provided to the IEP Committee including the parent or guardian within 24 hours also.

The statutes require that the violation be reported to Board of Trustees not later than 24 hours after violation occurred, or as soon thereafter as the violation is discovered. Note that in this section of the statutes, there is no provision for reporting to a designee of the Board of Trustees.

The Board of Trustees, in cooperation with Superintendent, must develop a Corrective Plan to ensure that appropriate action is taken within 30 calendar days to prevent future violations. The Superintendent must submit the Corrective Plan to NDE. The NDE must review the plan and advise if revision is necessary. The Corrective Plan should be implemented and documentation should be maintained. See section below for suggested content of the Corrective Plan.

Aversive Intervention ("Violation")

The statutes do not require that any investigative report which may have been generated be placed in the student's Cumulative Record and Special Education Confidential File if a determination has been made that there was use of an aversive intervention (i.e., a violation). The statutes also do not require that any investigative report be provided to the student's IEP Committee including the parent or guardian. However, for coherence and consistency, and to foster communication with the parent, the district may elect to place any investigative report in the student's Cumulative Record and Special Education

Confidential File and provide copies to the student's IEP Committee including the parent. Since the statutes require that the violation be reported to the Board of Trustees not later than 24 hours after the violation, or as soon thereafter as the violation is discovered, it is suggested that any investigative report which may have been generated be placed in the student's Cumulative Record and Special Education Confidential File and provided to the IEP Committee including the parent or guardian within 24 hours also.

The statutes require that the violation be reported to the Board of Trustees not later than 24 hours after the violation occurred, or as soon thereafter as the violation is discovered. Note that in this section of the statutes, there is no provision for reporting to a designee of the Board of Trustees.

The Board of Trustees, in cooperation with the Superintendent, must develop a Corrective Plan to ensure that appropriate action is taken within 30 calendar days to prevent future violations. The Superintendent must submit the Corrective Plan to the NDE. The NDE must review the plan and advise if revision is necessary. The Corrective Plan should be implemented and documentation should be maintained. The Corrective Plan may but is not required to include:

1. The identification of the specific aversive intervention(s) or non-permissible physical and/or mechanical restraint(s) used and the date and time of the occurrence;
2. What investigative actions were taken;
3. The reason(s) why the action was determined to be a violation;
4. The date and time that notice was provided to the Board of Trustees;
5. A copy of the Corrective Plan and the date the plan was developed by the Board of Trustees in cooperation with the school district superintendent; and
6. What corrective actions have been taken and/or are anticipated to be taken, and applicable dates actions are completed or anticipated to be completed.

Note that if the school where a violation occurred does not meet the requirements of the plan to the satisfaction of the NDE, the NDE may appoint a licensed administrator to oversee the school to ensure that the school meets the requirements of the plan. An administrator serves at the pleasure of the Superintendent of Public Instruction and is entitled to receive such compensation as may be set by the Superintendent. A school district that contains a school for which an administrator is appointed shall reimburse the NDE for any expenses incurred by the NDE pursuant to the statutory requirements.

VI. NOTICE OF A DENIAL OF RIGHTS

The statutes also address the situation where the Board of Trustees receives a notice that a student's rights have been denied. Although the statutes are not clear on this point, presumably these rights include protections found elsewhere in federal and state law (e.g., protection from discrimination, the right to be treated with dignity and respect). If the Board of Trustees receives notice of a denial of rights, a "Full Report" must be developed and provided to the NDE. The denial must be entered in the student's Cumulative Record and Special Education Confidential File. Although it is not required

in the statutes, it is suggested that the denial of the student's rights be reported to the student's IEP Committee including the parent or guardian.

VII. PROCEDURAL COMPLAINTS

If a school district fails to report the use of a restraint in an emergency situation, or fails to report a denial of student's rights, or fails to report a violation of the statutes as required under the law, and a parent or guardian files a complaint against the district, the NDE generally will refer that individual back to the district to exhaust procedural safeguards prior to NDE intervention. If the NDE is satisfied that procedural safeguards have been exhausted; the NDE may (a) conduct a procedural review to determine if the district has complied with the requirements of NRS § 388.521-5315; (b) assist the district to conduct an investigation; and/or (c) conduct its own investigation upon a determination that the district has had an opportunity and failed to carry out the procedures under NRS § 388.521-5315.

VIII. ANNUAL DATA COLLECTION AND REPORTING TO THE NDE

On or before August 1 of each year, the school district must prepare a report, by school, that includes:

1. The number of instances in which physical restraint was used during the previous school year, which must indicate the number of instances per teacher and per pupil (without disclosing personally identifiable information).
2. The number of instances in which mechanical restraint was used during the previous school year, which must indicate the number of instances per teacher and per pupil (without disclosing personally identifiable information).
3. The number of violations of the statutes, by type of violation, which must indicate the number of violations per teacher and per pupil (without disclosing personally identifiable information).

The school district must prescribe a form for each school within the district to report this information and a time by which those reports must be submitted to the school district.

The school district must submit the report to the NDE by August 15 of each year. The NDE will compile the data and prepare a report (disaggregated by school district). The report must be submitted by October 1 each year to:

- In even-numbered years, the Director of the Legislative Counsel Bureau
- In odd-numbered years, the Legislative Committee on Education

Staff Member or Other Person Uses Physical or Mechanical Restraint, or Aversive Intervention on a Student with a Disability

Is the use clearly permissible under the statute?
(Note: Aversive interventions are never permissible.)

Yes, the use of a physical or mechanical restraint is clearly permissible. Staff member may keep appropriate notes and/or documentation and may be prepared to explain and describe use should questions arise.

No, the use is not clearly permissible.

Staff member should immediately report situation to School Principal or Designee.

If questions arise regarding the staff member's determination that the physical or mechanical restraint was permissible under the statute, the matter is immediately reported to the School Principal and an investigation may be conducted.

School Principal may investigate, complete a report (see attached Investigation Report for a suggested format), and perhaps in consultation with Director of Special Services or Designee, determine which one of the following has occurred (suggested, but not required, to be done within 24 hours):
Permissible Use of Physical or Mechanical Restraint ("No Violation")
Emergency Use of Physical or Mechanical Restraint in Compliance with Statute ("No Violation")
Non-Permissible Use of Physical or Mechanical Restraint ("Violation")
Aversive Intervention ("Violation")

Permissible Use of Physical or Mechanical Restraint ("No Violation")

Emergency Use of Physical or Mechanical Restraint in Compliance with Statute ("No Violation")

Non-Permissible Use of Physical or Mechanical Restraint ("Violation")

Aversive Intervention ("Violation")

- It is suggested, but not required in the statutes, that any investigative report which may have been generated be placed in student's Cumulative Record and Special Education Confidential File, and that the parent be contacted

- A report must be placed in student's Cumulative Record and Special Education Confidential File within one working day of emergency use. See attached Investigation Report for a suggested format.
- A copy of the report must be provided to IEP Committee including the parent or guardian (suggested, but not required, to be done within one working day of emergency use)
- A copy of the report must be provided to Board or Designee to determine if a denial of the student's rights occurred (suggested, but not required, to be done within one working day of emergency use)
- If the Board or Designee determines there has been a denial of rights, Board or Designee must report this determination to Student's Cumulative Record and Confidential File and to the NDE
- It is suggested, but not required in the statutes, that the report of the denial of the student's rights be provided to the student's IEP Committee including the parent or guardian.
- After 3 reports of emergency use, district notifies school to review circumstances and provide report; after 5 reports, IEP must be reviewed; if restraints continue after IEP review, IEP must add appropriate methods

- It is suggested, but not required, that any investigative report which may have been generated be placed in Student's Cumulative Record and Special Education Confidential File (suggested, but not required, to be done within 24 hours of violation)
- It is suggested, but not required, that a copy of any investigative report which may have been generated be provided to the IEP Committee including the parent or guardian (suggested, but not required, to be done within 24 hours of the violation).
- A violation must be reported to Board of Trustees not later than 24 hours after violation occurred, or as soon thereafter as the violation is discovered.
- The Board, in cooperation with Superintendent, must develop a Corrective Plan to ensure that appropriate action is taken within 30 calendar days to prevent future violations
- The Superintendent must submit the Corrective Plan to NDE
- The NDE must review and advise if revision is necessary
- Corrective Plan should be implemented and documentation should be maintained

If Board of Trustees receives notice of a denial of rights,

- A "Full Report" is developed and provided to the NDE and the denial is entered in the Student's Cumulative Record and Special Ed. Confidential file.
- It is suggested, but not required in the statutes, that the report of the denial of the student's rights be provided to the student's IEP Committee, including parent or guardian.

**Restraints/Aversive Interventions
Investigation Report**

NRS §388.521-388.5315

Student Name: _____

Grade: _____ Date of Incident: _____

School: _____ Time of Incident: _____

Name(s) and Position(s) of Persons Providing Statements:

Description of Incident (DO NOT USE NAMES) (ATTACH ADDITIONAL PAGES AS NECESSARY):

Conclusion (check one):

- Permissible Use of Physical or Mechanical Restraint ("No Violation")
- Emergency Use of Physical or Mechanical Restraint in Compliance w/ Statute ("No Violation") (Attach Worksheet A)
- Non-Permissible Use of Physical or Mechanical Restraint ("Violation") (Attach Worksheet B)
- Aversive Intervention ("Violation") (Attach Worksheet C)

Additional Comments:

WORKSHEET A

Notice of Emergency Use of Physical and/or Mechanical Restraint in Compliance with NRS ("No Violation")

NRS §388.5275-528

A report of emergency use of physical and/or mechanical restraint in compliance with NRS must be:

1. placed in student's Cumulative Record and Special Education Confidential File within one working day of an emergency use in compliance with the statute;
2. provided to the student's IEP Committee, including the parent/guardian; and
3. provided to the Board of Trustees or its designee to determine whether a denial of rights has occurred.

Student Name: _____

Grade: _____ Date of Incident: _____

School: _____ Time of Incident: _____

Identify the restraint(s) used:

- Physical Restraint** — "Physical restraint" means the use of physical contact to limit a person's movement or hold a person immobile.

Identify restraint used: _____

Number of emergency physical restraints previously reported this school year, and date of each use of restraint:

- 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.

Identify restraint used: _____

Number of emergency mechanical restraints previously reported this school year, and the date of each use of restraint: _____

Date/Time Investigation Report placed in Student's Cumulative Record and Confidential File: _____

Date/Time Investigation Report provided to IEP Committee, including parent/guardian: _____

Date/Time Investigation Report provided to Board of Trustees to determine whether a denial of rights occurred: _____

Complete the following two questions in order to determine which section of this report must be completed on the following page:

1. This reports addresses emergency use of physical restraint(s): no yes — complete section A
2. This reports addresses emergency use of mechanical restraint(s): no yes — complete section B

SECTION A: Emergency use of physical restraint(s)

The restraint was used in an emergency situation:

- an emergency existed that necessitated use of physical restraint due to immediate threat of harm to:
 self others property

and

- the physical restraint was used only for the period that was necessary to contain the behavior of the student so that the student was no longer an immediate threat of causing physical injury to self or others or causing severe property damage

and

- the use of force in the application of physical restraint did not exceed the force that was reasonable and necessary under the circumstances precipitating the use of physical restraint

SECTION B: Emergency use of mechanical restraint(s)

The restraint was used in an emergency situation:

- an emergency existed that necessitated use of mechanical restraint due to immediate threat of harm to: self
 others property

and

- a medical order authorizing the use of mechanical restraint was included in the student's IEP before the application of the mechanical restraint (attach medical order)

and

- the physician who signed the order or the attending physician examined the student as soon as practicable after the application of the mechanical restraint

name of physician: _____

student examined within _____ minutes of application of restraint

and

- the mechanical restraint was applied by a member of the staff of the school who is trained and qualified to apply mechanical restraint

individual(s) is trained/qualified to apply restraint: yes no

and

- the student was given the opportunity to move and exercise restrained body parts at least 10 minutes for every 60 minutes of restraint unless otherwise prescribed by the physician who signed the order (attach additional medical order(s) if appropriate)

duration of restraint: _____

number of opportunities to move body parts: _____

and

- a member of the staff of the school lessened or discontinued the restraint every 15 minutes to determine if the student would stop injury to himself without the use of restraint

and

- the record of the student contains a notation that includes the time of day that the restraint was lessened or discontinued, the response of the student and the response of the member of the staff of the school who applied the mechanical restraint (attach copy of notation)

and

- a member of the staff of the school continuously monitored the student during the time that mechanical restraint was used on the student

and

- the mechanical restraint was used only for the period that was necessary to contain the behavior of the student so that the student was no longer an immediate threat of causing physical injury to himself

duration of restraint: _____

WORKSHEET B

Notice of Non-Permissible Use of Physical and/or Mechanical Restraint ("Violation")

NRS §388.5295

- 1. The non-permissible use of physical and/or mechanical restraints must reported to the Board of Trustees not later than 24 hours after the violation occurred, or as soon thereafter as the violation is discovered.*
- 2. The Board of Trustees must develop, in cooperation with the Superintendent, a corrective plan to ensure that within 30 calendar days after the violation occurred, appropriate action is taken by the school and the Board of Trustees to prevent future violations.*
- 3. The Superintendent must submit the plan to the Nevada Department of Education and make appropriate revisions as required by the Department of Education.*

Student Name: _____

Grade: _____ Date of Incident: _____

School: _____ Time of Incident: _____

Identify the restraint(s) used:

- Physical Restraint** — *"Physical restraint" means the use of physical contact to limit a person's movement or hold a person immobile.*

Identify restraint used: _____

- 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.*

Identify restraint used: _____

Date/Time Investigation Report placed in Student's Cumulative Record and Confidential File (*recommended*): _____

Date/Time Investigation Report provided to IEP Committee, including parent/guardian (*recommended*): _____

Date/Time Use of Non-Permissible Physical and/or Mechanical Restraint reported to Board of Trustees (*required*): _____

WORKSHEET C

Notice of Use of Aversive Intervention ("Violation")

NRS §388.5215, §388.5265, §388.5295

1. The use of an aversive intervention must reported to the Board of Trustees ***not later than 24 hours*** after the violation occurred, or as soon thereafter as the violation is discovered.
2. The Board of Trustees must develop, in cooperation with the Superintendent, a corrective plan to ensure that ***within 30 calendar days*** after the violation occurred, appropriate action is taken by the school and the Board of Trustees to prevent future violations.
3. The Superintendent must submit the plan to the Nevada Department of Education and make appropriate revisions as required by the Department of Education.

Student Name: _____

Grade: _____ Date of Incident: _____

School: _____ Time of Incident: _____

Date/Time Investigation Report placed in Student's Cumulative Record and Confidential File (*recommended*): _____

Date/Time Investigation Report provided to IEP Committee, including parent/guardian (*recommended*): _____

Date/Time Use of Aversive Intervention reported to Board of Trustees (*required*): _____

1. Was the intervention used to punish a student with a disability? yes no
2. Was the intervention used to eliminate, reduce or discourage maladaptive behavior? yes no
3. Identify the intervention(s) used:

Noxious Odors and Tastes — identify: _____

Water and Other Mists or Sprays — identify: _____

Blasts of Air — identify: _____

Corporal Punishment — identify: _____

"Corporal punishment" means the intentional infliction of physical pain, including, without limitation, hitting, pinching or striking.

Verbal and Mental Abuse — identify: _____

"Verbal and mental abuse" means actions or utterances that are intended to cause and actually cause severe emotional distress to a person.

Electric Shock — identify: _____

"Electric shock" means the application of electric current to a person's skin or body. The term does not include electroconvulsive therapy.

- Chemical Restraint** — identify: _____

“Chemical restraint” means the administration of drugs for the specific and exclusive purpose of controlling an acute or episodic aggressive behavior when alternative intervention techniques have failed to limit or control the behavior. The term does not include the administration of drugs on a regular basis, as prescribed by a physician, to treat the symptoms of mental, physical, emotional or behavioral disorders and for assisting a person in gaining self-control over his impulses.

- Placement of a person alone in a room . . .**

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.

Student prevented from leaving room by:

- door held shut by lock – identify: _____
or
- door held shut by device – identify: _____
or
- door held shut by object positioned to hold door closed – identify: _____
or
- other methods used to prevent student from leaving room – identify: _____

- Forced Exercise**

Requiring a person to perform exercise under forced conditions if the: (a) Person is required to perform the exercise because he exhibited a behavior that is related to his disability; (b) Exercise is harmful to the health of the person because of his disability; or (c) Nature of the person’s disability prevents him from engaging in the exercise.

Intervention is prohibited because:

- student was required to exercise because the student exhibited a behavior related to his/her disability
or
- the student was required to exercise even though the exercise was harmful to the student’s health
or
- the student was required to exercise even though the student’s disability prevents participation in the exercise

- Deprivation of necessities . . .**

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.

Denial or unreasonable delay of:

- food or liquid at time when it’s customarily served
or
- medication – identify: _____
or
- other – identify: _____