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September 28, 2018

MEMORANDUM

TO: The Nevada Legislative Counsel Bureau

FROM: Steve Canavero, Ph.D., Superintendent of Public Instruction 

SUBJECT: Report on the Use of Physical Restraints, Mechanical Restraints, and Aversive Interventions on Students with Disabilities

Pursuant to N.R.S. § 388.5317(4) and § 394.379(3), the Nevada Department of Education (NDE) is required to submit an annual report by October 1st of each year indicating:

- (1) The number of instances in which physical restraint was used on pupils with disabilities;
- (2) The number of instances in which mechanical restraint was used on pupils with disabilities; and
- (3) The number of violations that occurred on students with disabilities, by type of violation.

The 2017-2018 school year report is attached to this memorandum. As required by statute, the data is disaggregated by school district and private school. For questions, please contact Mr. Will Jensen, Director of the Office of Special Education, at wjensen@doe.nv.gov or 775-687-9146.

Thank you for your continued commitment to high quality education for Nevada's pupils with disabilities.

SC/JB

cc: W. Jensen, Nevada Department of Education
Melissa Schroeder, Nevada Department of Education
Sarah Jorgenson, Nevada Charter School Authority
Nevada School District Special Education Directors
Nevada Special Education Advisory Committee

**Report of Use of Physical and Mechanical Restraints and Interventions
2017-2018 School Year**

Nevada Department of Education

Report of Restraints and Violations by School District

List of School Districts	Number of Instances of Physical Restraint	Number of Instances of Mechanical Restraint	Number of Violations By Type		
			Non-Permissible Physical Restraint ¹	Non-Permissible Mechanical Restraint ²	Aversive Intervention
Carson City	9	0	1	0	1
Churchill	13	0	0	0	0
Clark	2,916	5	23	27	36
Douglas	7	0	1	0	2
Elko	10	4	0	0	0
Esmeralda	0	0	0	0	0
Eureka	0	0	0	0	0
Humboldt	2	0	2	0	2
Lander	0	0	0	0	0
Lincoln	0	0	0	0	0
Lyon	52	1	3	1	2
Mineral	2	0	1	0	0
Nye	2	0	0	0	1
Pershing	0	0	0	0	0
Storey	0	0	0	0	0
Washoe	279	0	11	0	7
White Pine	5	0	0	0	0
SPCSA	72	0	0	0	0

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

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

Report of Use of Physical and Mechanical Restraints and Interventions 2017-2018 School Year

Definitions:

Instances of Physical Restraint includes use of physical restraint in an emergency in compliance with the statutes (not a violation), and non-permissible uses of physical restraints (violations). Permissible use of physical restraint in an emergency requires:

- (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 himself or 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.

For purposes of this reporting, instances of physical restraint do not include other permissible uses under NRS 388.5275.2: (a) assist the pupil in completing a task or response if the pupil does not resist the application of physical restraint or if his resistance is minimal in intensity and duration; (b) escort or carry the pupil to safety if the pupil is in danger in his present location; or (c) conduct medical examinations or treatments on the pupil that are necessary.

Instances of Mechanical Restraint includes use of mechanical restraint in an emergency in compliance with the statutes (not a violation), and non-permissible uses of mechanical restraints (violations). Permissible use of mechanical restraint in an emergency requires:

- (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 is included in the pupil's individualized education program before the application of the mechanical restraint;
- (c) The physician who signed the order required pursuant to paragraph (b) or the attending physician examines the pupil as soon as practicable after the application of the mechanical restraint;
- (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 body that are restrained at least 10 minutes per every 60 minutes of restraint, unless otherwise prescribed by the physician 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 without the use of the restraint;
- (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.

For purposes of this reporting, instances of mechanical restraint do not include other permissible uses under NRS 388.528.2: (a) treat the medical needs of the pupil; (b) protect a pupil who is known to be at risk of injury to himself because he lacks coordination or suffers from frequent loss of consciousness; (c) provide proper body alignment to a pupil; or (d) position a pupil who has physical disabilities in a manner prescribed in the pupil's individualized education program.

Violations – Non-Permissible Physical Restraint includes any physical restraint not described and specified as permissible in the statutes.

Violations – Non-Permissible Mechanical Restraint includes any mechanical restraint not described and specified as permissible in the statutes.

Report of Use of Physical and Mechanical Restraints and Interventions 2017-2018 School Year

Violations – Aversive Intervention includes use of any aversive intervention. “Aversive intervention” means any of the following actions if the action is used to punish a pupil with a disability or to eliminate, reduce or discourage maladaptive behavior of a pupil with a disability:

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;
9. 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; 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.

**Report of Use of Physical and Mechanical Restraints and Interventions
2017-2018 School Year**

School	Physical Restraints	Mechanical Restraints	Number of Violations By Type		
			Physical Restraints	Mechanical Restraints	Aversive
9th Bridge School	0	0	0	0	0
A Step Ahead	0	0	0	0	0
Abundant Life Christian Academy	0	0	0	0	0
Adelson Educational Campus, The	0	0	0	0	0
Alexander Dawson School @ Rainbow Mtn	0	0	0	0	0
American Heritage Academy	0	0	0	0	0
Anderson Academy of Math and Science	0	0	0	0	0
Applied Scholastics Academy	0	0	0	0	0
Bethlehem Lutheran School	0	0	0	0	0
Bishop Gorman High School	0	0	0	0	0
Bishop Manogue Catholic High School	0	0	0	0	0
Black Mountain Academy	0	0	0	0	0
Brilliant Child Christian Academy	0	0	0	0	0
Brookfield School	0	0	0	0	0
Calvary Chapel Christian School - SV	0	0	0	0	0
Calvary Chapel G V Christian Academy	0	0	0	0	0
Calvary Christian Learning Academy	0	0	0	0	0
Candil Hall Academy	0	0	0	0	0
Challenger School Los Prados Campus	0	0	0	0	0
Challenger School Silverado Campus	0	0	0	0	0
Challenger School Desert Hill Campus	0	0	0	0	0
Challenger School at Lone Mountain	0	0	0	0	0
Child & Family Research Center UNR William Raggio Bldg, Room 2028	1	0	0	0	0
Christian Montessori Academy	0	0	0	0	0
Church Academy, The	0	0	0	0	0
Community Christian Academy	0	0	0	0	0
CornerStone Christian Academy	0	0	0	0	0
Desert Torah Academy	0	0	0	0	0
DJ's Community Christian Academy	0	0	0	0	0
Diocese of Las Vegas Schools	0	0	0	0	0
Excel Christian School	0	0	0	0	0
Faith Baptist Academy	0	0	0	0	0
Faith Christian Academy	0	0	0	0	0
Faith Community Lutheran Academy	0	0	0	0	0

**Report of Use of Physical and Mechanical Restraints and Interventions
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Faith Lutheran Middle School & High School	0	0	0	0	0
Fallon Seventh-day Adventist Church	0	0	0	0	0
Far West Academy (David O. McKay)	0	0	0	0	0
First Good Shepherd Lutheran School	0	0	0	0	0
Foothills Montessori School	0	0	0	0	0
Goddard School - Sparks, The	0	0	0	0	0
Good Samaritan Christian Academy	0	0	0	0	0
Grace Christian Academy	0	0	0	0	0
Green Valley Lutheran Kindergarten	0	0	0	0	0
Green Valley United Methodist Church Kdgn	0	0	0	0	0
GV Christian School	0	0	0	0	0
Henderson International School	0	0	0	0	0
His Word Christian Academy	0	0	0	0	0
Imagination Station	0	0	0	0	0
Innovation Academy	0	0	0	0	0
International Christian Academy	0	0	0	0	0
J.O.Y. Academy of Southern Nevada	0	0	0	0	0
Journey Education	0	0	0	0	0
Kids Campus Learning Center	0	0	0	0	0
Kids Campus Learning Center	0	0	0	0	0
Kids Campus Learning Center	0	0	0	0	0
Kids R Kids Quality Learning Center #2	0	0	0	0	0
Kids R Kids Quality Learning Center #5	0	0	0	0	0
Kindercare Learning Center	0	0	0	0	0
King's Academy, The	0	0	0	0	0
Koinonia Day Treatment	0	0	0	0	0
Lake Mead Christian Academy	0	0	0	0	0
Lake Mead Christian Academy	0	0	0	0	0
Lake Tahoe School	0	0	0	0	0
Lamb of God Lutheran School	0	0	0	0	0
Las Vegas Day School	0	0	0	0	0
Las Vegas Jr. Academy	0	0	0	0	0
Liberty Baptist Academy	0	0	0	0	0
Lighthouse Baptist Academy	0	0	0	0	0
Lion & Lamb Christian School, The	0	0	0	0	0
Little Flower Catholic School	0	0	0	0	0
Logos Christian Academy	0	0	0	0	0
Lone Mountain Academy	0	0	0	0	0

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LVVWD School's Out Program	0	0	0	0	0
Merryhill School	0	0	0	0	0
Merryhill School - Green Valley	0	0	0	0	0
Merryhill School at Peccole Ranch	0	0	0	0	0
Merryhill School at Spanish Trail	0	0	0	0	0
Merryhill School at Summerlin	0	0	0	0	0
Montessori Visions Academy	0	0	0	0	0
Montevista Academy	0	0	0	0	0
Mountain Heights Montessori	0	0	0	0	0
Mountain View Christian School	0	0	0	0	0
Mountain View Lutheran School	0	0	0	0	0
Mountain View Montessori School	0	0	0	0	0
Nasri Academy for Gifted Children	0	0	0	0	0
Nevada Sage Waldorf School	0	0	0	0	0
New Horizons Academy	5	0	0	0	0
Newton Learning Center	0	0	0	0	0
Northwest Academy (Placement by Court)	12	0	0	0	0
Omar Haikal Islamic Academy	0	0	0	0	0
Our Lady of Las Vegas Catholic School	0	0	0	0	0
Our Lady of the Snows Catholic School	0	0	0	0	0
Pebbles Preschool and Kindergarten	0	0	0	0	0
Mesivta of Las Vegas	0	0	0	0	0
Redeemer Lutheran Elementary School	0	0	0	0	0
Reno Christian Fellowship King's Kids	0	0	0	0	0
Riverview Christian Academy	0	0	0	0	0
ROP Charter HS - Sierra Sage Academy	0	0	0	0	0
ROP Charter HS ~ Qualifying Houses	0	0	0	0	0
Sage Ridge	0	0	0	0	0
Seton Academy	0	0	0	0	0
Seton Academy West	0	0	0	0	0
Shadow Hills Baptist Church Preschool	0	0	0	0	0
Shenker Academy	0	0	0	0	0
Sierra Lutheran High School	0	0	0	0	0
Sierra Nevada High School	0	0	0	0	0
Solomon Schechter Day School	0	0	0	0	0
Southern Highlands Preparatory School	0	0	0	0	0
Spring Valley Christian Academy	0	0	0	0	0
Spring Valley Montessori School					
SpringStone Lakes Montessori School					

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St. Albert the Great Catholic School	0	0	0	0	0
St. Anne Catholic School	0	0	0	0	0
St. Christopher Catholic School	0	0	0	0	0
St. Elizabeth Ann Seton Catholic School	0	0	0	0	0
St. Francis de Sales School	0	0	0	0	0
St. Gabriel Catholic School	0	0	0	0	0
St. John's Children's Center	0	0	0	0	0
St. Nicholas Orthodox Academy	0	0	0	0	0
St. Teresa Avila Catholic School	0	0	0	0	0
St. Viator Catholic School	0	0	0	0	0
Sunset Montessori Community	0	0	0	0	0
The Meadows School	0	0	0	0	0
Triad School	0	0	0	0	0
Trinity International Schools	0	0	0	0	0
Trinity Lutheran Child Care Center & Kindergarten	0	0	0	0	0
Truckee Meadows School	0	0	0	0	0
University Baptist Academy	0	0	0	0	0
Water of Life Lutheran School	0	0	0	0	0
West Charleston Enrichment Academy	2	0	0	0	0
Word of Life Christian Academy	0	0	0	0	0
Yeshiva Day School of Las Vegas	0	0	0	0	0