

Steve Sisolak
Governor

Jhone M. Ebert
Superintendent of
Public Instruction

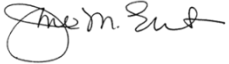


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MEMORANDUM

TO: The Nevada Legislative Counsel Bureau

FROM: Jhone M. Ebert, Superintendent of Public Instruction 

DATE: October 1, 2022

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 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 2021-2022 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 Ms. Julie Bowers, Director of the Office of Inclusive Education, at jabowers@doe.nv.gov or 775-687-9146.

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

Attachment(s): 2021-2022 School Year AB56 Report

cc: Jonathan Moore, Deputy Superintendent, Nevada Department of Education
Julie Bowers, Director, Nevada Department of Education
Karl Wilson, Education Programs Supervisor, Nevada Department of Education
Nevada State Public Charter School Authority
Nevada Special Education Advisory Committee
District Superintendents
District Special Education Directors

Report of Restraints and Violations by School District for the 2021-2022 School Year
(Including the State Public Charter School Authority (SPCSA))

Chart Instructions:

Pursuant to N.R.S. § 388.5317(4) and § 394.379(3), the Nevada Department of Education 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 2021-2022 school year reports are presented in the chart below. As required by statute, the data is disaggregated by school district and private schools. The chart below provides a breakdown of restraint and aversive intervention instances as reported by each individual school district and private school.

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	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.

Report of Restraints and Violations by Private School

List of Private Schools	Number of Instances of Physical Restraint	Number of Instances of Mechanical Restraint	Number of Violations by Type		
			Non-Permissible Physical Restraint ³	Non-Permissible Mechanical Restraint ⁴	Aversive Intervention
Academy For Learning DBA Applied Scholastics Academy Las Vegas	0	0	0	0	0
Advantages School International	0	0	0	0	0
Alexander Dawson School	1	0	0	0	0
Alexander MLK KinderCare	NR ⁵				
American Heritage Academy	0	0	0	0	0
Anderson Academy of Math and Science	NR				
Ateres Bnos Ita	0	0	0	0	0
Bethlehem Lutheran School	0	0	0	0	0
Bishop Gorman High School	NR				
Bishop Manogue	1	0	0	0	0
Black Mountain Academy	NR				
Brilliant Child Christian Academy	0	0	0	0	0
Brookfield School	NR				
Calvary Chapel Christian School	0	0	0	0	0
Calvary Chapel Green Valley Christian Academy	0	0	0	0	0
Candil Hall Academy	0	0	0	0	0
Capstone Christian Academy	0	0	0	0	0
Challenger School Desert Hills	0	0	0	0	0
Challenger School Lone Mountain	0	0	0	0	0
Challenger School Los Prados Campus	0	0	0	0	0

³ Note that each non-permissible use of physical restraint is also counted in the column to the left for total instances of physical restraint.

⁴ Note that each non-permissible use of mechanical restraint is also counted in the column to the left for total instances of mechanical restraint.

⁵ Note that a response of NR means there was no report submitted from that school.

Challenger School Silverado Campus	0	0	0	0	0
Child & Family Research Center UNR	NR				
Community Christian Academy	0	0	0	0	0
Cornerstone Christian Academy	NR				
Cristo Rey St. Viator College Preparatory High School	0	0	0	0	0
Desert Torah Academy	0	0	0	0	0
Desert Valley Preparatory Academy	NR				
Excel Christian School	0	0	0	0	0
Faith Community Lutheran Academy	NR				
Faith Christian Academy	0	0	0	0	0
Faith Lutheran Academy	0	0	0	0	0
Faith Lutheran Middle School & High School	0	0	0	0	0
Fallon Seventh-day Adventist Church	NR				
First Good Shepard Lutheran School	NR				
Foothills Church of Christ	0	0	0	0	0
Foothills Montessori School	0	0	0	0	0
Good Samaritan Christian Academy	0	0	0	0	0
Grace Christian Academy	0	0	0	0	0
Greater Las Vegas Academy	0	0	0	0	0
Green Valley Lutheran School	0	0	0	0	0
Green Valley United Methodist Church Kindergarten	0	0	0	0	0
GV Christian School	0	0	0	0	0
Henderson International School	0	0	0	0	0
Imagination Station	0	0	0	0	0
International Christian Academy	0	0	0	0	0

Innovation Academy	0	0	0	0	0
Journey Education	0	0	0	0	0
Joy Academy	0	0	0	0	0
Kids R Kids Quality Learning Center #2	0	0	0	0	0
Kids Campus Learning Center - Tropicana	NR				
Kids Campus Learning Center – Martin Luther King	NR				
Kids Campus Learning Center – Simmons	NR				
Koinonia Day Treatment	NR				
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	NR				
Las Vegas Water District Care and Education	NR				
Liberty Baptist Academy	NR				
Lighthouse Baptist Academy	NR				
Little Flower Catholic School	0	0	0	0	0
Lone Mountain Academy	NR				
Logos Christian Academy	0	0	0	0	0
LVVWD Care and Education Center	NR				
Merryhill School-Durango	NR				
Merryhill School – Spanish Trail	NR				
Merryhill School – Summerlin	0	0	0	0	0
Mesivta of Las Vegas	0	0	0	0	0
Mesquite Christian Academy	0	0	0	0	0
Mojave Springs School	0	0	0	0	0
Montessori Visions Academy	0	0	0	0	0

Mountain View Christian School	NR				
Mountain View Lutheran School	0	0	0	0	0
Mountain View Montessori School	NR				
Nasri Academy for Gifted Children	NR				
NCA Learning Center and Baby University	NR				
Nevada Sage Waldorf School	0	0	0	0	0
New Horizons Academy	6	0	0	0	0
New Song Academy	0	0	0	0	0
Newton Learning Center	8	0	0	0	0
Noble Collegiate Academy	0	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
Redeemer Lutheran Elementary School	0	0	0	0	0
Reno Christian Fellowship King's Kids	NR				
Rite of Passage Sage and Qualifying House	NR				
Riverview Christian Academy	NR				
Sage Ridge School	0	0	0	0	0
Seventh Day Adventist	NR				
Shenker Academy	NR				
Sierra Lutheran High School	0	0	0	0	0
Sierra Nevada High School	0	0	0	0	0
Silicon Valley HS	0	0	0	0	0
Spring Creek Christian Academy	NR				
Spring Valley Christian Academy	0	0	0	0	0
Spring Valley Montessori School	0	0	0	0	0

Spring Stone Lakes Montessori School	0	0	0	0	0
St. Albert the Great Catholic School	0	0	0	0	0
St. Anthony of Padua	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	NR				
St. John's Children 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	NR				
Strong Generation Christian Academy	0	0	0	0	0
Southern Highlands Preparatory School	0	0	0	0	0
Summerlin South KinderCare	NR				
Sunset Montessori School	0	0	0	0	0
Temple Beth Shalom	0	0	0	0	0
The Adelson Educational Campus	0	0	0	0	0
The Church Academy	0	0	0	0	0
The Education Center at Desert Winds Hospital	2	0	0	0	0
The Goddard School-Somerset	0	0	0	0	0
The King's Academy	NR				
The PREP School of South Meadows	0	0	0	0	0
The Meadows School	NR				
Triad School	0	0	0	0	0
Trinity International Schools	0	0	0	0	0
Trinity Lutheran Child Care Center & Kindergarten	NR				

Truckee Meadows School	0	0	0	0	0
University Baptist Academy	NR				
Vegas Valley Adventist Academy	0	0	0	0	0
Water of Life Lutheran School	0	0	0	0	0
West Charleston Enrichment Academy	0	0	0	0	0
Wharton School	0	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

Appendix

Nevada Revised Statutes 388.491. “Mechanical restraint” defined.

“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.

Nevada Revised Statutes 388.494. “Physical restraint” defined.

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

Nevada Revised Statutes 388.473. “Aversive intervention” defined.

“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 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

Nevada Revised Statutes 388.503. Conditions under which mechanical restraint may be used; report required; requirements if pupil has three or five reports of use of restraint in 1 school year.

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;
 - (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;
 - (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.
2. Mechanical restraint may be used on a pupil with a disability and the provisions of subsection 1 do not apply if the mechanical restraint is used to:
 - (a) Treat the medical needs of the pupil;
 - (b) Protect a pupil who is known to be at risk of injury to himself or herself because he or she 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.
3. If mechanical restraint is used on a pupil with a disability in an emergency, the use of the procedure must be reported in the pupil's cumulative record and a confidential file maintained for the pupil not later than 1 working day after the procedure is used. A copy of the report must be provided to the board of trustees of the school district or its designee, the pupil's individualized education program team and the parent or guardian of the pupil. If the board of trustees or its designee determines that a denial of the pupil's

rights has occurred, the board of trustees or its designee shall submit a report to the Department in accordance with NRS 388.513.

4. If a pupil with a disability has three reports of the use of mechanical restraint in his or her record pursuant to subsection 3 in 1 school year, the school district shall notify the school in which the pupil is enrolled to review the circumstances of the use of the restraint on the pupil and provide a report of its findings to the school district.
5. If a pupil with a disability has five reports of the use of mechanical restraint in his or her record pursuant to subsection 3 in 1 school year, the pupil's individualized education program must be reviewed in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1414 et seq., and the regulations adopted pursuant thereto. If mechanical restraint continues after the pupil's individualized education program has been reviewed, the school district and the parent or legal guardian of the pupil shall include in the pupil's individualized education program additional methods that are appropriate for the pupil to ensure that restraint does not continue, including, without limitation, mentoring, training, a functional behavioral assessment, a positive behavior plan and positive behavioral supports.

Nevada Revised Statutes 388.497. Aversive intervention prohibited.

A person employed by the board of trustees of a school district or any other person shall not use any aversive intervention on a pupil with a disability.

Nevada Revised Statutes 388.501. Conditions under which physical restraint may be used; report required; requirements if pupil has three or five reports of use of restraint in 1 school year.

1. Except as otherwise provided in subsection 2, 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.
2. Physical restraint may be used on a pupil with a disability and the provisions of subsection 1 do not apply 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.
3. If physical restraint is used on a pupil with a disability in an emergency, the use of the procedure must be reported in the pupil's cumulative record and a confidential file maintained for the pupil not later than 1 working day after the procedure is used. A copy of the report must be provided to the board of trustees of the school district or its

designee, the pupil's individualized education program team and the parent or guardian of the pupil. If the board of trustees or its designee determines that a denial of the pupil's rights has occurred, the board of trustees or its designee shall submit a report to the Department in accordance with NRS 388.513.

4. If a pupil with a disability has three reports of the use of physical restraint in his or her record pursuant to subsection 3 in 1 school year, the school district shall notify the school in which the pupil is enrolled to review the circumstances of the use of the restraint on the pupil and provide a report to the school district on its findings.
5. If a pupil with a disability has five reports of the use of physical restraint in his or her record pursuant to subsection 3 in 1 school year, the pupil's individualized education program must be reviewed in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1414 et seq., and the regulations adopted pursuant thereto. If physical restraint continues after the pupil's individualized education program has been reviewed, the school district and the parent or legal guardian of the pupil shall include in the pupil's individualized education program 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.