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October 1, 2019

MEMORANDUM

TO: The Nevada Legislative Committee on Education

FROM: Jhone M. Ebert, 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 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 2018-2019 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 Inclusive 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.

JE/jb

cc: J. Moore, Deputy Superintendent, Nevada Department of Education
W. Jensen, Nevada Department of Education
M. Schroeder, Nevada Department of Education
Nevada State Public Charter School Authority
Nevada Special Education Advisory Committee
Nevada School District Superintendents
Nevada School District Special Education Directors

**Report of Use of Physical and Mechanical Restraint and Interventions
2018-2019 School Year**

Nevada Department of Education

Report of Restraint 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	4	0	0	0	2
Churchill	11	0	1	0	0
Clark	3,435	23	36	10	23
Douglas	5	0	1	0	0
Elko	22	0	0	0	0
Esmeralda	0	0	0	0	0
Eureka	0	0	0	0	0
Humboldt	13	1	6	1	1
Lander	0	0	0	0	0
Lincoln	0	0	0	0	0
Lyon	41	0	2	0	1
Mineral	0	0	0	0	0
Nye	8	0	0	0	0
Pershing	0	0	0	0	0
Storey	0	0	0	0	0
Washoe	427	0	4	0	3
White Pine	1	0	0	0	0
SPCSA	33	0	1	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 Restraint and Interventions 2018-2019 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 Restraint and Interventions 2018-2019 School Year

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 Restraint and Interventions
2018-2019 School Year**

Private School	Physical Restraint	Mechanical Restraint	Number of Violations By Type		
			Physical Restraint	Mechanical Restraint	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
Alexander Dawson School at Rainbow Mtn.	0	0	0	0	0
American Heritage Academy	0	0	0	0	0
Anderson Academy of Math & Science	0	0	0	0	0
Applied Scholastics Academy	0	0	0	0	0
Ateres Bnos Ita	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	0	0	0	0	0
Calvary Chapel GV Christian Academy	0	0	0	0	0
Candil Hall Academy	0	0	0	0	0
Challenger School Desert Hills Campus	0	0	0	0	0
Challenger School Lone Mountain Campus	0	0	0	0	0
Challenger School Los Prados Campus	0	0	0	0	0
Challenger School Silverado Campus	0	0	0	0	0
Child & Family Research Center UNR	0	0	0	0	0
Christian Montessori Academy	0	0	0	0	0
Community Christian Academy	0	0	0	0	0
Cristo Rey St. Viator	0	0	0	0	0
Desert Torah Academy	0	0	0	0	0
Excel Christian School	0	0	0	0	0

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Faith Christian Academy	0	0	0	0	0
Faith Community Lutheran Academy	0	0	0	0	0
Faith Lutheran Middle & High School	0	0	0	0	0
Fallon Seventh Day Adventist School	0	0	0	0	0
Far West Academy	0	0	0	0	0
First Good Shepherd Lutheran School	0	0	0	0	0
Foothills Church of Christ					
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 Christian School	0	0	0	0	0
Green Valley Lutheran Kindergarten	0	0	0	0	0
Green Valley United Methodist Church	0	0	0	0	0
Henderson International School	0	0	0	0	0
His Word Christian Academy					
Imagination Station					
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
Koinonia Day Treatment	7	0	0	0	0
Lake Mead Christian Academy	0	0	0	0	0
Lake Tahoe School					
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

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Lighthouse Baptist Academy	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
LVVWD Care & Education Center	0	0	0	0	0
Merryhill School Peccole Ranch	0	0	0	0	0
Merryhill School Spanish Trail	0	0	0	0	0
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
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
NCA Learning Center	0	0	0	0	0
Nevada Sage Waldorf School					
New Horizons Academy	0	0	0	0	0
New Song Christian Academy	0	0	0	0	0
Newton Learning Center					
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 & Kindergarten	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 Qualifying House	0	0	0	0	0
ROP Qualifying House	0	0	0	0	0

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ROP Sierra Sage	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
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
Sinousa Virtual High School (Online)	0	0	0	0	0
Southern Highlands Preparatory School	0	0	0	0	0
Spring Creek Christian Academy	0	0	0	0	0
Spring Valley Christian Academy	0	0	0	0	0
Spring Valley Montessori School	0	0	0	0	0
Springstone Lakes Montessori School	0	0	0	0	0
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 Catholic 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 of 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
Temple Beth Sholom	0	0	0	0	0
The Adelson Education Campus	0	0	0	0	0
The Church Academy	0	0	0	0	0
The King's Academy	0	0	0	0	0
The Lion & Lamb Christian School	0	0	0	0	0
The Meadows School	0	0	0	0	0
Triad School	0	0	0	0	0

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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
Word of Life Christian Academy	0	0	0	0	0
Yeshiva Day School of Las Vegas	0	0	0	0	0