

**Joe Lombardo**  
*Governor*

**Jhone M. Ebert**  
*Superintendent of  
Public Instruction*

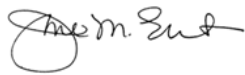


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**MEMORANDUM**

**TO:** Joint Interim Standing Committee on Education

**FROM:** Jhone M. Ebert, Superintendent of Public Instruction 

**DATE:** October 18, 2023

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

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Pursuant to Nevada Revised Statutes (NRS) §388.515 and §394.379(3), the Nevada Department of Education is required to submit an annual report by October 1<sup>st</sup> 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 2022-23 school year report is attached to this memorandum. As required by statute, the data is disaggregated by local education agencies and private schools. If you have any questions, please contact Ms. Julie Bowers, Director of the Office of Inclusive Education, at [jabowers@doe.nv.gov](mailto:jabowers@doe.nv.gov) or 775-687-9146.

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

2022-23 School Year Assembly Bill 56 Report is reported on the following pages.

cc: Ann Marie Dickson, Deputy Superintendent for Student Achievement  
Julie Bowers, Director, Office of Inclusive Education  
Karl Wilson, Education Programs Supervisor, Office of Student and School Supports  
Nevada State Public Charter School Authority  
LEA Superintendents  
LEA Special Education Directors

## ***2022-23 School Year Report of Restraints and Violations by Local Education Agencies and Private Schools***

Pursuant to NRS 388.515 and 394.379(3), the Nevada Department of Education (NDE or Department) is required to submit an annual report by October 1<sup>st</sup> 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.

Each local education agency (LEA) supplied NDE with its annual report on the number and type of restraints that were used within their LEA during the 2022-23 school year. Each LEA's submission was cross-checked against the LEA's individual reporting submissions required after each occurrence from the 2022-23 school year in which a non-permissible physical restraint, non-permissible mechanical restraint, or aversive intervention had occurred. If discrepancies were noted, the LEA was contacted directly, and any discrepancies were resolved.

### **Increase in Restraints and Aversive Interventions on Students with Disabilities (2022-23)**

The 2022-23 academic year saw a marked increase in the use of restraints and aversive interventions on students with disabilities when compared to the previous year.

As seen in Chart 1, when compared to the annual report from the 2021-22 school year, the 2022-23 report shows an increase in the overall number of instances of restraints used on pupils with disabilities, with a 10.72% increase in instances of physical restraint and 36.84% increase in instances of mechanical restraint. In addition, in 2022-23 there was a 52.08% increase in aversive interventions when compared to the 2021-22 school year. The use of non-permissible physical increased by 40.45% and the use of mechanical restraints on students with disabilities increased by 36.84% when compared to 2021-22 school year data. Overall, 2022-23 data reflects an increase in the number of restraints and aversive interventions used on pupils with disabilities when compared to the 2021-22 data.

The following section will examine the correlation between this rise and the reported uptick in behavioral issues since the resumption of in-person instruction post-COVID.

#### ***Increase in Behavioral Issues Post-COVID Return***

Upon the reopening of schools for in-person instruction post-COVID, there was a significant surge in behavior issues reported across various LEAs. This spike can be attributed to multiple factors:

1. **Extended Periods of Remote Learning:** Many students, especially those with disabilities, faced challenges with the shift to remote learning, including lack of access to critical services, disruptions in their routines, and limited social interactions. These challenges likely exacerbated some students' behavioral difficulties.
2. **Re-acclimation Challenges:** Returning to the in-person learning environment, with its rules and social norms, after extended periods of remote or home-based learning, posed a challenge. Many students faced difficulty readjusting to the structure and dynamics of a

physical classroom setting.

3. **Mental Health Concerns:** The COVID-19 pandemic and the subsequent lockdowns brought about an array of mental health issues for individuals of all age groups, including anxiety, stress, and trauma. For students with disabilities, these effects might have been even more pronounced.

#### *Disparities in In-Person Instruction in Nevada*

When examining the data, it is worth noting that not all LEAs returned to full in-person instruction for the entirety of the 2021-22 school year. In particular, the largest LEA in the state did not return to in-person instruction until spring 2021.

This full return could further explain the observed rise in the use of restraints and aversive interventions. With more students physically present in the classrooms, educators might have been overwhelmed with the intensity and frequency of behavioral issues, particularly from students with disabilities who might have found the transition exceptionally challenging.

#### **Private Schools**

NRS 394.379 establishes that the “administrative head of each private school that provides instruction to pupils with disabilities shall, on or before August 15 of each year, prepare a report” on the use of restraints and violations.

During the 2022-23 school year, no Nevada private school reported a single instance of non-permissible physical restraint, non-permissible mechanical restraint, or aversive intervention.

#### **Conclusion**

While it is undeniable that there has been a noticeable increase in restraints and aversive interventions on students with disabilities in the 2022-23 school year, it is crucial to interpret this data with context in mind. The return to in-person instruction, coupled with the challenges posed by the pandemic's aftermath, presented LEAs with many challenges leading to an increase in incidents reported.

It is also vital that LEAs and schools continue to monitor these interventions and behaviors, offer support and training for educators, and develop proactive strategies to ensure the well-being and success of every student, particularly those with disabilities.

**CHART 1: Instances of Physical and Mechanical Restraints**

This chart reflects the *total number* of instances of both **Permissible** and **Non-Permissible Physical and Mechanical Restraint** for School Years 2017-18 through 2022-23.

School Year	Number of Instances of Physical Restraint						Number of Instances of Mechanical Restraint					
	17/18	18/19	19/20	20/21	21/22	22/23	17/18	18/19	19/20	20/21	21/22	22/23
	Pre-Covid	Pre-Covid	<i>COVID year- Should not be used in comparison</i>	Post-Covid- Back to Full In-Person School			Pre-Covid	Pre-Covid	<i>COVID year- Should not be used in comparison</i>	Post-Covid- Back to Full In-Person School		
<b>Carson City</b>	9	4	4	6	3	18	0	0	0	0	0	0
<b>Churchill</b>	9	11	3	2	2	3	0	0	0	0	0	0
<b>Clark</b>	2916	3435	2624	361	2210	2429	8	23	10	1	12	19
<b>Douglas</b>	7	5	4	2	6	6	0	0	0	0	0	0
<b>Elko</b>	10	22	18	7	12	8	4	0	0	0	0	0
<b>Esmeralda</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Eureka</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Humboldt</b>	2	13	18	6	26	22	0	1	0	0	0	0
<b>Independence</b>	NR	NR	NR	NR	1	37	N R	NR	NR	NR	0	0
<b>Lander</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Lincoln</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Lyon</b>	52	41	78	18	52	25	1	0	0	0	0	0
<b>Mineral</b>	2	0	0	0	0	0	0	0	0	0	0	0
<b>Nye</b>	2	8	4	5	13	16	0	0	0	1	0	0
<b>Pershing</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>SPCSA</b>	72	33	69	17	75	143	0	0	0	0	0	0
<b>Storey</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>University</b>	NR	NA	NR	NR	0	0	N R	NR	NR	NR	0	0
<b>Washoe</b>	279	427	309	176	215	222	0	0	0	1	0	0
<b>White Pine</b>	5	1	0	0	0	0	0	0	0	0	0	0

\*NR=Non Reporting

- XX = Increase in incidents compared to the previous school year
- XX = Decrease in incidents compared to the previous school year
- XX = No change in number of incidents compared to the previous school year

## CHART 2: Total Instances of Non-Permissible Physical and Mechanical Restraints

This chart reflects the total number of **Non-Permissible** Physical and Mechanical Restraints for School Years 2017-18 through 2022-23.

	Non-Permissible Physical Restraint						Non-Permissible Mechanical Restraint					
	17/18	18/19	19/20	20/21	21/22	22/23	17/18	18/19	19/20	20/21	21/22	22/23
	Pre-Covid	Pre-Covid	<i>COVID year- Should not be used in comparison</i>	Post-Covid- Back to Full In-Person School			Pre-Covid	Pre-Covid	<i>COVID year- Should not be used in comparison</i>	Post-Covid- Back to Full In-Person School		
<b>Carson City</b>	1	0	1	1	1	1	0	0	0	0	0	0
<b>Churchill</b>	1	0	1	0	1	2	0	0	0	0	0	0
<b>Clark</b>	37	23	40	9	36	68	12	8	10	0	10	18
<b>Douglas</b>	1	1	0	1	1	1	0	0	0	0	0	0
<b>Elko</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Esmeralda</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Eureka</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Humboldt</b>	6	2	0	3	6	3	0	0	0	0	0	0
<b>Independence</b>	1	NR	0	NR	0	0	0	NR	0	0	NR	0
<b>Lander</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Lincoln</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Lyon</b>	1	3	0	0	2	3	0	1	0	0	0	0
<b>Mineral</b>	0	1	0	0	0	0	0	0	0	0	0	0
<b>Nye</b>	1	0	0	1	0	2	0	0	0	0	0	0
<b>Pershing</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>SPCSA</b>	0	1	0	0	0	0	0	0	0	0	0	0
<b>Storey</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>University</b>	0	NR	0	NR	NR	0	0	NR	0	0	NR	0
<b>Washoe</b>	4	11	0	1	4	9	0	0	0	5	0	0
<b>White Pine</b>	0	0	0	0	0	0	0	0	0	0	0	0

\*NR=Non Reporting

XX=Increase in incidents compared to the previous school year

XX=Decrease in incidents compared to the previous school year

XX=No change in number of incidents compared to the previous school year

CHART 3: Aversive Interventions This chart reflects the total number of Aversive for School Years 2017-18 through 2022-23.

	Aversive Interventions					
	17/18	18/19	19/20	20/21	21/22	22/23
	<i>Pre-Covid</i>	<i>Pre-Covid</i>	<i>COVID year- Should not be used in comparison.</i>	<i>COVID- Should not be used in comparison.</i>		
<b>Carson City</b>	1	2	0	0	1	0
<b>Churchill</b>	0	0	0	0	1	3
<b>Clark</b>	1	2	28	0	16	38
<b>Douglas</b>	2	0	0	0	0	1
<b>Elko</b>	0	0	0	0	0	0
<b>Esmeralda</b>	0	0	0	0	0	0
<b>Eureka</b>	0	0	0	0	0	0
<b>Humboldt</b>	2	3	0	0	2	3
<b>Independence</b>	NR	NR	NR	NR	0	0
<b>Lander</b>	0	0	0	0	0	0
<b>Lincoln</b>	0	0	0	0	0	0
<b>Lyon</b>	2	2	1	0	1	0
<b>Mineral</b>	0	0	0	0	0	0
<b>Nye</b>	1	0	0	0	0	0
<b>Pershing</b>	0	0	0	0	0	0
<b>SPCSA</b>	0	0	0	0	0	0
<b>Storey</b>	0	0	0	0	0	0
<b>University</b>	NR	NR	NR	NR	0	0
<b>Washoe</b>	6	7	2	5	2	3
<b>White Pine</b>	0	0	0	0	0	0

\*NR=Non Reporting

XX=Increase in incidents compared to the previous school year

XX=Decrease in incidents compared to the previous school year

XX=No change in number of incidents compared to the previous school year