**NEVADA GOVERNOR’S COUNCIL ON DEVELOPMENTAL DISABILITIES**

**(DRAFT) Position on Restraints and Seclusion for Individuals with Intellectual and/or Developmental Disabilities**

Historically, individuals with intellectual and/or developmental disabilities (I/DD) have been subjected to restraints and seclusion in various settings, often leading to significant harm. The risks associated with these practices are well documented and include physical and psychological injury, trauma, and, in extreme cases, death. Restraint and seclusion disproportionately impact individuals with I/DD, perpetuating inequality and reinforcing a power imbalance between caregivers and individuals receiving care.

# The use of seclusion, mechanical and chemical restraint, or exposure to unpleasant or harmful sensory experiences (taste, touch, auditory, etc.) should never be adopted as the sole approach to managing challenging behavior. These interventions do not address the root causes of behavior, and their use can lead to social isolation, psychological trauma, and increased distress. Instead, interventions should focus on positive behavioral support within a trauma-informed environment, which acknowledges the widespread impact of trauma and actively seeks to create a setting that promotes healing and minimizes the potential for re-traumatization. Providers, including those in educational, medical, and community-based settings, must ensure that a trauma-informed environment is the standard of care. This includes implementing policies that promote emotional and physical safety, prevent re-traumatization, and support the development of self-regulation skills for individuals with I/DD. A trauma-informed environment ensures physical and emotional safety, fosters trust and transparency, supports peer collaboration, promotes a sense of belonging, makes individuals feel valued and appreciated, empowers individuals by giving them a voice and choice, and is sensitive to cultural, historical, and gender considerations.

NGCDD supports the implementation of trauma-informed, person-centered approaches that emphasize a framework of moral and ethical values that focus on:

* Improving quality of life,
* Ensuring individuals with I/DD have the opportunity to be self-determined,
* Recognize behavior as a form of communication,
* Implementing interventions that emphasize the development and use of positive skills for greater independence, and,
* Making modifications to the context in which problem behavior occurs.

**The Nevada Governor’s Council on Developmental Disabilities (NGCDD) believes that the use of physical, mechanical, and chemical restraints is inappropriate except in situations of imminent danger of serious physical harm to the individual or others. Seclusion or restraint must never be used for convenience or to punish or coerce individuals. Any entity receiving government funding must adhere to a clearly defined standard of practice that prioritizes trauma-informed, person-centered approaches. Institutions, including schools, hospitals, residential facilities, and community-based programs, should be held accountable for failing to comply with these standards, with consequences that include loss of funding, corrective action plans, and independent oversight. Lastly, we believe that Individuals have the right to be treated with respect and dignity and in a safe, humane, culturally sensitive and developmentally appropriate manner that respects individual choice and maximizes self-determination.**

**Policy Recommendations:**

1. **Implement Protective Policies** **and Accountability Measures:** Enact and enforce policies at federal, state, and organizational levels that safeguard individuals from the unnecessary trauma associated with seclusion and restraint, while ensuring the safety of all parties involved. Entities receiving government funding must be held to clear accountability measures, including independent oversight, reporting requirements, and penalties for noncompliance.
2. **Guarantee Educational Rights:** Affirm that students with I/DD are entitled to a free and appropriate public education (FAPE) in the least restrictive environment (LRE).
3. **Restrict Restraint Usage:** Mandate that restraints be used only when an individual with I/DD poses an imminent physical danger to themselves or others, and only after all other less restrictive interventions have been exhausted. Restraints should cease immediately once the individual is no longer a threat or shows signs of medical distress. Under no circumstances should restraint be used as a form of discipline or coercion, nor as a primary method for de-escalating behavior.
4. **Support Comprehensive Assessments:** Fully fund the Individuals with Disabilities Education Act (IDEA) 2004 to promote the use of Functional Behavioral Assessments (FBA) and Behavior Intervention Plans (BIP) for students whose behavior impedes their own learning or that of others. (Council for Exceptional Children, 2020)
5. **Extend Protections to Adults:** Ensure that adults with I/DD receive the same protections from unnecessary seclusion and restraints as children. Implement policies that require rigorous oversight, reporting, and accountability for the use of restraint and seclusion in adult service settings. Develop comprehensive training programs for caregivers, direct support professionals, and medical personnel to utilize non-restrictive, trauma-informed approaches that prioritize de-escalation and person-centered support.
6. **Require Training for Law Enforcement and Crisis Responders:** Implement mandatory training for law enforcement officers, corrections officers, school resource officers, crisis management teams, and other first responders on best practices for interacting with individuals with I/DD. This training should focus on de-escalation techniques, recognizing behavioral expressions of distress, and ensuring that interactions do not lead to unnecessary or excessive use of force. Law enforcement agencies should also be held accountable for incidents involving the misuse of restraints and seclusion.
7. **Commit to Eliminating Seclusion and Restraint:** All entities shall establish a clear and actionable plan to phase out the use of seclusion and restraint. This includes adopting and supporting evidence-based, proactive, and less intrusive interventions that focus on prevention rather than crisis management. Less intrusive interventions prioritize de-escalation techniques, environmental modifications, and positive behavioral supports that minimize aggression and promote safety.

**According to the Nevada Department of Education (2024), in the 2023-24 report, the use of restraint and seclusion in schools remains a significant concern, with an increasing number of reported incidents involving students with disabilities. These statistics highlight the urgent need for stronger oversight, accountability, and alternative interventions.**

By adopting these recommendations, Nevada can move towards a more equitable and humane approach in supporting individuals with intellectual and developmental disabilities, ensuring their rights and well-being are upheld.

Last Review Date:

References:

Nevada Department of Education's 2023-24 report (2024), Report on the Use of Physical Restraints, Mechanical Restraints, and Aversive. <https://www.leg.state.nv.us/Division/Research/Documents/RTTL_NRS388.515_394.379_2024.pdf?utm_>

Council for Exceptional Children (2020) Position on Restraint and Seclusion Procedures in School Settings. [https://exceptionalchildren.org/sites/default/files/2020-11/Restraint%20and%20Seclusion-2020.pdf](https://exceptionalchildren.org/sites/default/files/2020-11/Restraint%20and%20Seclusion-2020.pdf#:~:text=POSITION%20STATEMENT%20Position%20on%20Restraint%20and%20Seclusion%20Procedures%20in%20School)