

CLARK COUNTY SCHOOL DISTRICT REGULATION

5141.3

DISCIPLINE: USE OF AVERSIVE INTERVENTIONS

I. Definitions:

A. Use of aversive interventions on students with disabilities is prohibited by the Nevada Revised Statutes. 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:

1. Use of noxious odors or tastes;
2. Use of water and other mists or sprays;
3. Use of blasts of air;
4. Use of corporal punishment;
5. Use of verbal or mental abuse;
6. Use of electric shock;
7. Administration of chemical restraint;
8. 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:
 - (a) The person is required to perform the exercise because he exhibited a behavior that is related to the disability;
 - (b) The exercise is harmful to the health of the person because of the disability;
 - (c) The nature of the person's disability prevents them from engaging in the exercise; or
10. Deprivation of the necessities needed to sustain health, including food, liquid, or medication at a time customarily served.

II. Physical or Mechanical Restraints:

A. A person employed by the Board of School Trustees shall not, except as otherwise provided in NRS 388, use physical or mechanical restraints on a pupil with disabilities.

B. Physical restraint may be used on a person with a disability only if:

1. An emergency exists that necessitates the use of physical restraint;
2. 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

3. The use of force in the application of the physical restraint does not exceed the force that is reasonable and necessary under the circumstance precipitating the use of physical restraint.
- C. Physical restraint may be used on a pupil with a disability and a report is not required if the restraint is used to:
1. Assist the pupil in completing a task or response if the pupil does not resist the application of physical restraint or if the resistance is minimal in intensity and duration;
 2. Escort or carry a pupil to safety if the pupil is in danger in his present location;
 3. Conduct medical examinations or treatments on the pupil that are necessary.
- D. The use of mechanical restraints is limited to the conditions listed below. The use of mechanical restraint is only permitted to:
1. Treat the medical needs of the student as prescribed by a physician;
 2. Protect a pupil who is known to be at risk of injury because of a lack of coordination or frequent loss of consciousness;
 3. Provide proper body alignment;
 4. Position a pupil in a manner prescribed in the IEP.

III. Reporting Requirements:

- A. If the physical or 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 confidential file not later than one working day after the procedure is used. A copy of the report must be provided to the Assistant Superintendent, Student Support Services Division, who will forward it to the Board of School Trustees. Copies must also be provided to the pupil's individualized education program team and the parent or guardian of the pupil.

The principal or administrative designee of a school who has determined that an aversive intervention or inappropriate physical or mechanical restraint has occurred shall report the violation to the Assistant Superintendent, Student Support Services Division within 24 hours of the violation, or as soon thereafter as the violation is discovered. A copy of the report will be immediately provided to the Board of School Trustees. The Superintendent or his designee shall develop a corrective plan within 30 days to submit to the Department of Education to prevent future violations. The superintendent shall submit the plan to the department.

- B. For reports made in relation to the emergency use of physical or mechanical restraints, the superintendent or his designee will determine whether a denial of rights has occurred. If a denial of rights is found, or if a violation of prohibited practices described in Section I or if the inappropriate use of physical or mechanical restraints is reported, a full factual account of the circumstances surrounding the denial shall be provided to the board and forwarded to the Department of Education along with a corrective plan.
- C. The Board of School Trustees will be provided reports on the use of aversive interventions, physical restraints, and/or mechanical restraints as an information item. These reports will be provided in addition to any required corrective plan.
- D. An employee of the district shall not retaliate against any person for having reported a violation of this regulation or who has provided information regarding a potential violation.
- E. A person who intentionally uses an aversive intervention on a student, or who intentionally violates the physical or mechanical restraint provisions of this regulation, is subject to disciplinary action pursuant to NRS 391.312 or 391.330 and in accordance with the negotiated agreements.

Legal Reference:	NRS 388; NRS 391; NRS 386.365
Review Responsibility:	Student Support Services Division
Adopted:	11/16/99
Pol. Gov. Rev.:	06/28/01
Revised:	09/13/01