

**BOARD OF TRUSTEES
CARSON CITY SCHOOL DISTRICT**

**REGULATION No. 207.3
PROGRAM**

**METHOD FOR REPORTING USE OF AVERSIVE INTERVENTIONS AND
PHYSICAL AND MECHANICAL RESTRAINTS ON STUDENTS WITH
DIABILITIES**

This Regulation is intended to provide assistance in the implementation of statutory provisions contained in NRS 388.521-388.5315. This Regulation is designed to assist District employees in understanding expectations regarding the use and correct reporting of aversive interventions and restraints on students with disabilities.

NRS 388.521-NRS 388.526 provides detailed definitions of mechanical restraints, physical restraints, and aversive interventions. While the use of aversive interventions as defined in the statute is prohibited, there are permissible uses of physical and mechanical restraints, including use in certain emergencies. Non-permissible uses of physical and mechanical restraints violate the NRS. The definitions for aversive interventions, physical restraints, and mechanical restraints are provided below. Also included are the various reporting requirements contained in the NRS.

Aversive Interventions:

Employees of the District may not use aversive intervention on a student with a disability. NRS 388.5215, Aversive intervention is defined as any of the following actions if the action is used to punish a student with a disability or to eliminate, reduce, or discourage maladaptive behavior of a student 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 or 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) Exercise is required because he/she exhibited a behavior that is related to his/her disability;
 - b) Exercise is harmful to the health of the person because of his/her disability;
 - c) Nature of the person's disability prevents him/her from engaging in the exercise;

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- 10) The deprivation of necessities needed to sustain the health of a person regardless of the length of deprivation, including, with 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.

Penalties for Intentional Use of Aversive Interventions or Non-Permissible Restraints:

Any teacher or administrator who intentionally uses an aversive intervention on a student with a disability or who intentionally violates the prohibitions on the use of physical or mechanical restraints is subject to discipline, including verbal warning, admonition, suspension, demotion, dismissal or non-reemployment under NRS 391.312. NRS 391.330 provides for suspension or revocation of a license for certain intentional violations of NRS 388.5265 or 388.527. All other employees may be disciplined through verbal warning, written reprimand, suspension, or dismissal. Discipline will be consistent with the Negotiated Agreements.

Mechanical Restraints:

A mechanical restraint involves the use of devices, including, without limitation, mittens, straps and restraint chairs to limit a person's movement or hold a person immobile.

NRS 388.528(2) allows for the permissible use of a mechanical restraint upon a student with disability to:

1. Treat the medical needs of the student;
2. Protect a student who is known to be at risk of injury because he or she lacks coordination or suffers from frequent loss of consciousness;
3. Provide proper body alignment to a student; or
4. Position a student who has physical disabilities in a manner prescribed in the IEP.

Emergency mechanical restraints are only allowed for the limited purposes defined in NRS 388.528(1), and should only be used by medically trained personnel under the direction of a physician's order in accordance with NRS 388.528(1). Emergency uses of mechanical restraints in accordance with NRS 388.528(1) are permissible and do not violate the statutes.

Physical Restraints:

A physical restraint is the use of physical contact to limit a person's movement or hold a person immobile. NRS 388.5275(2) generally allows for the permissible use of a physical restraint to:

1. Assist the student in completing a task;
2. Escort or carry a student to safety if the pupil is in danger; or
3. Conduct medical examinations or treatments.

NRS 388.5275(1) allows for an emergency use of physical restraint as follows:

1. An emergency* that necessitates the use of physical restraint;
2. A limited period of use necessary to contain behavior; and
3. A force which does not exceed that which is reasonable and necessary.

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***Emergency** means a situation in which immediate intervention is necessary to protect the physical safety of a person or others from an immediate threat of physical injury or severe property damage. Emergency uses of physical restraints in accordance with NRS 388.5275(1) are permissible and do not violate the statutes.

Prohibited Actions:

The use of an aversive intervention or the use of a non-permissible physical or mechanical restraint violates the NRS. The statutes prohibit any use of aversive interventions if the action is used to punish a student with a disability or to eliminate, reduce, or discourage maladaptive behavior of a student with a disability. The statutes also prohibit non-permissible uses of physical or mechanical restraints, which include (1) emergency uses that do not comply with the statutory requirements, and (2) any other uses not specifically defined as permissible.

Reporting Requirements:

The NRS contains specific reporting requirements, with different requirements and timelines for reports of the use of physical or mechanical restraints in emergencies and for reports of the use of aversive interventions or other violations of the statutes. To ensure that the District complies with the various timelines, staff must adhere to the following consistent procedures for reporting to supervisors and the Director of Student Support Services.

Staff must notify the site administrator and the Director of Student Support Services **immediately upon discovery of the use, and in no case more than 24 hours after the use** of an aversive intervention, the use of a non-permissible restraint, or an emergency use of a restraint.

All staff with knowledge of the incident must file an “Incident Summary Report” (ISR) describing the incident **immediately upon discovery of the use, and in no case more than 24 hours after the use** of an intervention, the use of a non-permissible restraint, or an emergency use of a restraint. ISR(s) must be filed with the site administrator and the Director of Student Support Services.

The Director of Student Support Services, in consultation with the school administration, will review the ISR(s) and make a determination as to the nature of the incident (use of an aversive intervention, non-permissible use of restraint, emergency use of restraint, or otherwise permissible use of restraint).

The ISR(s) must be placed within the student’s cum folder, special education folder, and a copy provided to the student’s IEP committee, including the parents, within **one working day** of the incident.

The Director of Student Support Services will notify the Superintendent, who will notify the Board of Trustees **within 24 hours** of the use of an aversive intervention or the use of a non-permissible restraint, or as soon thereafter as the use is discovered.

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In the event of the use of an aversive intervention or the non-permissible use of restraint, the Superintendent will decide if Child Protective Services or law enforcement must be notified, and the Superintendent will direct the appropriate staff to do so.

The use of an aversive intervention or the use of a non-permissible restraint violates the statutes. When a violation occurs, the Director of Student Support Services will submit to the Superintendent a corrective action plan as soon as is practicable. The Superintendent may refine the corrective action plan and will submit it to the Nevada Department of Education (NDE). The corrective plan must provide for appropriate action to be taken within 30 calendar days to prevent future violations.

Should the corrective action plan require revision at the request of NDE, the Superintendent will so advise the Director of Student Support Services. The Director of Student Support Services will be responsible to revise and re-submit the plan.

After three reports (incidents) of an emergency use of restraint regarding a single student, the school must review the circumstance and submit a report to the Director of Student Support Services in accordance with NRS 388.5275(4) or NRS 388.528(4), as applicable. After five reports /incidents, the IEP team must be reconvened and the IEP must be reviewed in accordance with NRS 388.5275(5) or NRS 388.528(5), as applicable. The IEP team must include Special Services staff and the school psychologist in addition to the regular members of the student's IEP team. If the reports/incidents continue, the IEP must be revised to include additional methods appropriate to ensure that restraint does not continue, including mentoring, training, conducting a functional behavioral assessment, and developing a positive behavior plan, and positive behavioral supports.

On or before August 1 of each year, the District shall prepare a report regarding the use of restraints and aversive interventions and submit it to the NDE by August 15.

Mandatory Education and Training for Staff:

Appropriate training as described in NRS 388.5285 shall be provided for the members of the staff of the schools within the District who are authorized to carry out and monitor physical restraint and mechanical restraint to ensure that those members of the staff are qualified to carry out the procedures in accordance with NRS 388.521 to 388.3217.

Retaliation:

No employee of the District shall retaliate against any person for reporting or providing information regarding a violation or suspected violation in the use of aversive interventions or a violation or suspected violation in the use of physical or mechanical restraints.

Reference: NRS 388.521- 388.5315

Adopted: October 22, 2013