

USE OF AVERSIVE INTERVENTIONS AND PHYSICAL AND MECHANICAL RESTRAINTS ON STUDENTS WITH DISABILITIES

The school district recognizes the importance of fully investigating and resolving all instances where aversive interventions or physical and mechanical restraints have been used with students who have disabilities. The provisions of NRS §388.471-515 govern these instances and are commonly referred to as the provisions of “AB 56” (referring to the 2009 Assembly Bill which revised the statutes originally enacted in 1999 as “AB 280”).

Permissible Uses and Prohibitions

Aversive Interventions as defined in NRS §388.473:

Employees of the school district shall not use aversive intervention on a student with a disability. 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;
- 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

Mechanical Restraints as defined in NRS §388.491:

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 as defined in NRS §388.491. NRS §388.503.2 allows for the permissible use of mechanical restraints for limited purposes. Emergency use of mechanical restraints is permitted if used in accordance with the

provisions of NRS §388.503.1. All other uses of mechanical restraints are non-permissible and violate the NRS.

Physical Restraints as defined in NRS §388.494:

A physical restraint is the use of physical contact to limit a person's movement or hold a person immobile. NRS §388.501.2 allows for the permissible use of physical restraints for limited purposes. Emergency use of physical restraint is permitted if used in accordance with the provisions of §388.501.1. All other uses of physical restraints are non-permissible and violate the NRS.

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.

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 §391.330 or §391.750, or both per NRS §388.506. All other employees may be disciplined through verbal warning, written reprimand, suspension or dismissal. Discipline will be consistent with the applicable negotiated agreements.

REPORTING REQUIREMENTS

For the purposes of this section, the Executive Director of Special Services serves as the "designee" to the Board of Trustees and the Superintendent.

All use of restraints or aversive interventions must be reported by any staff member who is aware of the use to the site administrator immediately upon occurrence/discovery and in no case more than 24 hours after the use.

All violations (aversive interventions and non-permissible uses of restraints) must be reported to the Board of Trustees (or their designee) within 24 hours of occurrence or upon discovery.

In the event of the use of an aversive intervention or the non-permissible use of restraint, the [Superintendent or designee] will decide if Child Protective Services or law enforcement must be notified and will direct the appropriate staff to do so per the provisions of NRS 432B.

**LYON COUNTY SCHOOL DISTRICT
BOARD POLICY**

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When a violation occurs, the Executive Director of Special Services will submit to the Superintendent a corrective action plan as soon as is practicable. The Superintendent and the Board (or their designee) will refine the corrective action plan and 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 advise the Executive Director of Special Services. The Executive Director of Special Services will be responsible for revising and resubmitting the plan.

On or before August 1 of each year, the school district must prepare a report regarding the use of restraints and aversive interventions and submit it to the Nevada Department of Education by August 15 of each year.

Legal Reference(s): NRS §388.471-515

Policy #JGC
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