
Protocol

Prohibited Aversive Interventions

References:

Texas Education Codes 37.0011 and 37.0023
Review Board Policy as needed

Recommended Designees:

District: Designee of Administrative/Student Services and/or Special Education
Campus: Principal

Application:

Administrators in the past who may have used any of the techniques listed below
ISD and Charter

Needs to Know:

All administrators and any staff member who uses any behavioral techniques that may cause significant physical/emotional discomfort or pain

Guidelines:

A school district, school district employee, volunteer, or an independent contractor of a school district may not apply an aversive technique, or by authorization, order, or consent, cause an aversive technique to be applied, to a student.

Prohibited techniques

Any of the following behavioral techniques that may have been previously used to reduce the likelihood of misbehavior (that are considered aversive techniques) and can potentially inflict significant physical or emotional discomfort or pain are prohibited:

1. designed to or likely to cause physical pain;
2. designed to or likely to cause physical pain through the use of electric shock or any procedure that involves the use of pressure points or joint locks;
3. involves the directed release of a noxious, toxic, or otherwise unpleasant spray, mist, or substance near the student's face;
4. denies adequate sleep, air, food, water, shelter, bedding, physical comfort, supervision, or access to a restroom facility;
5. ridicules or demeans the student in a manner that adversely affects or endangers the learning or mental health of the student or constitutes verbal abuse;
6. employs a device, material, or object that simultaneously immobilizes all four extremities, including any procedure that results in such immobilization known as prone or supine floor restraint;
7. impairs the student's breathing, including any procedure that involves:
 - a. applying pressure to the student's torso or neck; or
 - b. obstructing the student's airway, including placing an object in, on, or over the student's mouth or nose or placing a bag, cover, or mask over the student's face;
8. restricts the student's circulation;
9. secures the student to a stationary object while the student is in a sitting or standing position;
10. inhibits, reduces, or hinders the student's ability to communicate;
11. involves the use of a chemical restraint;
12. constitutes the use of timeout that precludes the student from being able to be involved in and progressing appropriately in the required curriculum and, if applicable, toward the annual goals included in the student's individualized education program, including isolating the student by the use of physical barriers; OR
13. deprives the student of the use of one or more of the student's senses.

An aversive technique may be used if the technique is executed in a manner that does not cause the student pain or discomfort or complies with the student's individualized education program or behavior intervention plan.

TxSP Implementation Resources: None**Other Resources:**

HB 3630 passed in the 86th legislative session, 2019.