USE OF TIME OUT ROOMS, PHYSICAL RESTRAINTS AND AVERSIVES

The Board of Education recognizes that students with disabilities sometimes exhibit inappropriate behaviors that impede learning. As a result, students with disabilities may require unique approaches to discipline so that they can continue to benefit from their educational program.

The Board further acknowledges that the use of aversive behavioral intervention, as defined in §19.5 of the Commissioner’s regulations, is prohibited.

The use of a time out room or physical restraint will be in conformance with a child’s Behavior Intervention Plan (BIP) as part of their Individual Education Program (IEP). Staff will adhere to federal and state statutes and regulations in the administration of these measures.

For purposes of this policy, the term “parent” refers to parents, guardians, and persons in parental relation, as defined in Education Law §2.

Time Out Room

A time out room is an area for a student to safely deescalate, regain control and prepare to meet expectations to return to his/her educational program. The room will only be used in conjunction with a behavioral intervention plan, as part of the student’s IEP, or when it is necessary to remove a student from a potentially dangerous situation in unanticipated situations that pose an immediate concern for the physical safety of a student or others. The room will provide a supervised area in order to facilitate self-control. The location, size and access to the time out room will be in conformance with applicable laws and regulations.

The Committee on Special Education (CSE) will inform parents prior to the initiation of a behavioral intervention plan that will incorporate the use of a time out room. The parent/guardian will be given the opportunity to see the space that will be utilized as a time out room. In addition, the parent/guardian will be provided a copy of this policy and notified when their child is placed in the time out room as outlined in the “Parent Notification” section below.

1. Physical requirements

Time out rooms shall allow for continuous visual and auditory monitoring of the student. The room shall be of adequate length, width and height to allow a student to move about and lay down comfortably. Wall and floor coverings will be designed to prevent injury to the student where possible, and there shall be adequate lighting and ventilation. The temperature of the room shall be within the normal comfort range, and consistent with the rest of the building. The room shall be clean and free of objects and fixtures that could be potentially dangerous to a student, and shall meet all local fire and safety codes.

2. Monitoring, Observation and Supervision

School staff shall continuously monitor the student in a time out room. The staff must be able to see and hear the student at all times.
3. Prohibition on Locks

Time out rooms or spaces shall be unlocked, and the door must be able to be opened from the inside. The use of locked rooms or spaces for purposes of time out is prohibited.

4. IEP Requirements

A student’s IEP will specify when a behavioral intervention plan is necessary. The plan itself will specifically include the use of a time out room for a student with a disability, including the maximum amount of time a student will need to be in a time out room as a behavioral consequence, as determined on an individual basis, in consideration of the student’s age and individual needs. The behavioral intervention plan shall be designed in conformance with applicable law and regulations.

5. Precipitating Factors

The factors that may lead to a student being temporarily placed in a time out room will depend on the particular student. Generally, time out rooms are to be used when a student needs to deescalate, regain control and prepare to meet expectations to return to his or her education program. A student in need of a time out room may be unable to control his/her actions, overwhelmed, overstimulated, exhibiting violent actions, or posing a danger to self or others. The student’s behavioral intervention plan shall include a description of when a time out room is to be used.

6. Time Limitations

The amount of time a student may spend in a time out room will vary with the student's age, individual needs, behavioral intervention plan, and the specific circumstances. Students shall spend only as much time in the time out room as is necessary for them to deescalate, regain control, return to their educational programs, or no longer pose a concern for the physical safety of themselves or others. Students shall not be in a time out room for more than the maximum amount of time specified in their behavioral intervention plans. For emergency use, where a time out room is not specified in a student’s behavioral intervention plan, but where such emergency use is not inconsistent with the student’s IEP, the maximum time to be spent in a time out room shall be 30 minutes. If a student is not ready to return to the educational program after that period of time, he/she shall be provided with further interventions consistent with his/her behavioral intervention plan or IEP, or actions reasonably calculated to assist the student.

7. Data Collection to Monitor Effectiveness

The district will document the use of time out rooms, and monitor the effectiveness of the use of time out rooms to decrease the behaviors that led to the use of the rooms. Such documentation will include a record for each student placed in a time out room. Each record will show, for each use of the time out room, the date, time, duration of stay, precipitating factors, staff members involved, and the student’s behaviors/condition before, during and after use of the time out room, or will record such data as specified in each student’s behavioral intervention plan. Copies of these records will be sent to the professional staff member(s) responsible for
implementing a student’s behavioral intervention plan and/or the student’s teachers, CSE chairperson, Director of Special Education, and/or Building Principal, as appropriate. Appropriate staff will meet regularly as needed to review the effectiveness of the time out room for each student placed in one. Building Principals or their designees will periodically report on the use and effectiveness of time out rooms to the Director of Special Education and Superintendent, who will report to the Board annually if a time out room is used.

Physical Restraint: Emergency Interventions

Immediate intervention by staff involving the use of reasonable physical restraint may utilized only in the following emergency circumstances: when verbal de-escalation techniques have failed and a student continues to cause harm to themselves, others, or property.

Staff will not use physical restraint as a punishment or as a substitute for systematic behavioral interventions that are designed to change, replace, modify and/or eliminate inappropriate behavior. Staff who may be called upon to physically restrain a student will be trained on safe and effective ways to do so in accordance with applicable laws and regulations. Physical restraint may be used only in an emergency where no other approach would be effective in controlling the student’s unsafe behavior.

The district will document the use of emergency interventions for each student. This shall include the student’s name, grade, teacher, the setting and location of the incident, the staff members involved, other persons involved, a description of the incident and the intervention used, the duration of the incident, a statement as to whether the student has a current behavioral intervention plan, and details of any injuries sustained by either the student or others as a result of the incident. Documentation of emergency interventions will be reviewed by school supervisory personnel and, as necessary, the school nurse or other medical personnel. Parents will be notified of each incident of emergency intervention as outlined in the “Parent Notification” section below.

Parent Notification

Pursuant to Education Law §4402(9), procedures are required for same-day parent notification of use of time out room or physical restraint. Whenever a student is placed in a physical restraint, or placed in a time out room, the Building Principal or designee will notify the parent on the same day that it occurs, via methods reasonably expected to reach parents (e.g., email, text, phone, apps, etc.).

Building Principals are responsible for establishing any building-level procedures necessary to implement this policy, and for working collaboratively with any school or program where resident students are receiving services pursuant to an IEP or individualized education services program (IESP). If the parent cannot be contacted (including if the district does not receive a response) after reasonable attempts are made, the Principal will record and report such attempts to the Committee on Special Education.

Training

Training for staff on the policies and procedures related to the use of time out rooms and/or physical restraint and related behavior management practices, will be provided as needed.
The Director Special Services will be is responsible for implementation and oversight of this policy.

Ref: 8 NYCRR §§19.5; 200.15; 200.22

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