

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 discipline approaches to continue benefiting 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 unless the district has followed the procedures outlined below to allow for their use in a child-specific case.

It is the expectation and directive of the Board of Education that the use of time out rooms, emergency interventions, and aversives be used only as a last resort, for the minimum amount of time possible, and fully in compliance with this policy and the Superintendent's Regulation 4321.12-R. Finally, staff will adhere to federal and state statutes and regulations in the administration of these measures.

Time Out Rooms

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 an IEP-driven behavioral intervention plan and 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 Superintendent will be responsible for developing and implementing regulations covering the use of a time out room and monitoring compliance with those regulations.

As this document does not include all the information from the Commissioner's Regulations 200.22(c)(1), parents will be provided a copy of the document, "Use of Time Out Rooms Regulations."

The Superintendent of Schools or his/her designee will inform parents prior to initiating a behavioral intervention plan that may incorporate the use of a time out room should the situation require it. Upon request, the parent will be shown the space that will be utilized. In addition, the parent will be provided a copy of this policy.

In accordance with Chapter 516 of the Laws of 2022 (see Education Law section 4402(9)), the student's parents/guardians shall be notified of each incident of emergency intervention on the same day it happens. If the parent cannot be contacted after reasonable attempts are made, the Principal will record and report such attempts to the Committee on Special Education.

Emergency Interventions

Staff will not use emergency intervention as a substitute for systematic intervention to modify inappropriate behavior. Staff who may be called upon to restrain a student physically or mechanically will be trained annually on safe and effective ways to do so. Physical/mechanical restraint may be used in an emergency where no other approach would be effective in controlling the student's behavior. "Emergency" means a situation in which immediate intervention involving the use of reasonable physical force pursuant to §19.5 of the Commissioner's regulations is necessary.

During emergencies, immediate intervention by staff involving the use of reasonable physical force may be necessary, either to protect people or property from injury or damage, or to restrain or remove a student whose behavior is interfering with the orderly functioning of the school, if that student has refused to comply with a request to refrain from further disruptive acts.

The district shall document the use of emergency interventions for each student to, include:

- a. student's name and date of birth,
- b. the setting and location of the incident,
- c. the staff members involved, other persons involved,
- d. a description of the incident and the intervention used,
- e. the duration of the incident,
- f. a statement as to whether the student has a current behavioral intervention plan, and
- g. details of any injuries sustained by either the student or others as a result of the incident.

Documentation of emergency interventions shall be reviewed by school supervisory personnel and, as necessary, the school nurse or other medical personnel.

In accordance with Chapter 516 of the Laws of 2022 (see Education Law section 4402(9)), the student's parents/guardians shall be notified of each incident of emergency intervention on the same day it happens. If the parent cannot be contacted after reasonable attempts are made, the Principal will record and report such attempts to the Committee on Special Education.

Aversive Behavioral Intervention

The Board recognizes that the use of aversive behavioral intervention, as defined in §19.5 of the Commissioner's regulations is prohibited unless the District has followed the procedures outlined below to allow for their use in a child-specific case. Except as set forth in Section 200.22(e), a behavior intervention plan shall not include the use of aversive interventions, as defined in Section 19.5 of the Commissioner's Regulations.

Training

Training for staff on the policies and procedures related to the use of time out rooms, emergency intervention, aversives, and related behavior management practices will be provided annually or as needed in accordance with Section 200.22(d) of the Commissioner's Regulations.

The Superintendent of Schools or his/her designee will be responsible for implementing and overseeing this policy.

Ref: Education Law §4402(9)
8 NYCRR §§19.5; 200.15; 200.22

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