(X) Required
(X) Local
(X)Notice

USE OF TIMEOUT AND PHYSICAL RESTRAINTS POLICY

The Board of Education recognizes that students sometimes exhibit inappropriate and challenging behaviors that impede learning and pose concern for the physical safety of themselves or others. As a result, students may require unique approaches to behavior management so that they can continue to benefit from their educational program. The Board is required by State law and regulations to adopt a policy that establishes administrative practices and procedures on the use of timeout rooms and physical restraints to address such behaviors. 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. This policy applies to all students, whether or not they are students with disabilities.

As required by state regulations, the district will utilize positive, proactive, evidence- and researched-based strategies through a multi-tiered system of supports, to reduce the occurrence of challenging behaviors, eliminate the need to use timeout and physical restraint, and improve school climate and safety of all students. Such strategies will include intervention and prevention procedures and de-escalation techniques. However, these strategies may not always be effective in keeping the school environment safe.

Pursuant to state regulations 8 NYCRR §19.5, timeout and physical restraint will not be used as discipline or punishment, retaliation, or as a substitute for positive, proactive intervention strategies that are designed to change, replace, modify, or eliminate a targeted behavior. Timeout and physical restraint may only be used when:

1. Other less restrictive and intrusive interventions and de-escalation techniques would not prevent imminent danger of serious physical harm to the student or others;
2. There is no known medical contraindication to its use on the student; and
3. School staff using such interventions have been trained in its safe and appropriate application, as required by state regulations.

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

Timeouts

A time-out room is an area for a student to safely de-escalate, regain control, and prepare to meet expectations to return to the educational program. The room will only be used in conjunction with a behavioral intervention plan (BIP), as part of the student's individualized education program (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 the

student or others, as permitted by state regulations under 8 NYCRR 200.22. The room will provide a supervised area in order to facilitate self-control. The location, size, and access to the timeout room will be in conformance with applicable laws and regulations.

Timeouts will be used for the least amount of time necessary, generally only until the student has de-escalated, can return to their educational program, and no longer poses a risk of injury to themselves or others. The Assistant Superintendent for Special Education and Student Support Services is responsible for the development and implementation of regulations covering the use of a timeout room, as well as monitoring compliance with those regulations.

The Assistant Superintendent for Special Education and Student Support Services will inform parents prior to the initiation of a behavioral intervention plan that will incorporate the use of a timeout room. Upon request, parents will be shown the space that will be utilized. In addition, parents will be provided a copy of this policy and notified when their child is placed in the timeout room as outlined in the "Parent Notification" section below.

Physical/Mechanical Restraint: Emergency Interventions

Staff will not use physical or mechanical restraint as a substitute for systematic intervention to modify inappropriate behavior. Physical restraint may be used when other less restrictive and less intrusive interventions and de-escalation techniques would not prevent imminent danger or serious physical harm to the student or others and when there is no known medical contraindication to its use on the student. Staff who may be called upon to physically/mechanically restrain a student will be trained on safe, appropriate, and effective ways to do so. Physical/mechanical restraint may be used in an emergency where no other approach would effectively control the student's behavior.

During emergencies, immediate intervention by staff involving the use of reasonable physical force may be necessary, either to protect people from injury or damage, or to restrain or remove a student whose behavior is interfering with the safety and well-being of others, or poses a serious threat of harm to themselves or others, if that student has refused to comply with a request to refrain from further disruptive acts.

The District will document the use of emergency interventions for each student. This will include the student's name and date of birth, 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), the Board is required to develop procedures for same-day parent notification of the use of time-out room or physical/mechanical restraint. Whenever a student is placed in a physical restraint, or placed in timeout, including a timeout used in connection with a student's BIP, 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.). The notification will offer the parent the opportunity to meet regarding the incident, Parents will also be provided with a copy of the documentation of the incident within three school days of the use of timeout or physical restraint.

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 or designee will record the attempts made to contact the parents. In the case of students with disabilities, the Principal will record and report such attempts to the students Committee on Preschool Special Education or Committee on Special Education.

Staff Training

Training for staff on the policies and procedures related to the use of timeout, physical restraint, and related behavior management practices, will be provided annually or as needed.

Data Collection to Monitor Patterns

As required by state regulations, the District will document each incident of the use of timeout (including those used in conjunction with a BIP) and physical restraint, debrief following each incident of timeout and physical restraint, and review its documentation to monitor patterns of timeout and physical restraint.

Prohibited Actions

Students may not be placed in a locked room or space in a room where the student cannot be continuously observed and supervised by school staff. Students may not be placed in a prone restraint (a physical or mechanical restraint while the student is in a face down position).

Additionally, District teachers, administrators, officers, employees, or agent may not use corporal punishment, mechanical restraint and other aversive interventions, or seclusion (which differs from timeout) against a student, as defined in state regulations. State regulations include school resource officers in the term "agent" except when a student is under arrest and handcuffs are necessary for the safety of the student and others.

Annual Reporting

District staff must report all allegations of corporal punishment, mechanical restraint and other aversive interventions,' prone physical restraint, or seclusion to the Superintendent of Schools. The Superintendent or designee will investigate the allegations, and determine whether they are substantiated or unsubstantiated, and will compile the reports annually.

The District will submit a report to the State Education Department, on a form and at a time prescribed by the Commissioner of Education, on the use of timeout and physical restraint, as well as substantiated and unsubstantiated allegations of the use of corporal punishment, mechanical restraint, and other aversive interventions, prone physical restraint and seclusion.

Public Availability and Posting of Policy

This policy and accompanying administrative regulation will be made publicly available for review at the District administrative offices, at each school building, and posted on the District's website.

The Superintendent of Schools is responsible for the implementation and oversight of this policy.

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

Adopted: December 18, 2024

USE OF TIMEOUT AND PHYSICAL RESTRAINTS REGULATION

Use of Timeout

Timeout is defined in state regulations under 8 NYCRR 19.5 as a behavior management technique that involves the monitored separation of a student in a non-locked setting, implemented for the purpose of de-escalating, regaining control, and preparing the student to meet expectations to return to their education program.

Timeout does not include:

1. a student-initiated or student-requested break to utilize coping skills, sensory input, or self-regulation strategies;
2. use of a room or space containing coping tools or activities to assist a student to calm and self-regulate, or the use of such intervention strategies consistent with a student with a disability's behavioral intervention plan; or
3. a teacher removal, in-school suspension, or any other appropriate disciplinary action.

Timeout may only be used in situations that pose an immediate concern for the physical safety of the student or others. Staff must return students to their educational program as soon as they have safely de-escalated, regained control and are prepared to meet expectations.

A timeout room is a supervised area for a student to safely de-escalate, regain control, and prepare to meet expectations to return to the educational program. Timeout rooms may only be used when needed for unanticipated situations that pose an immediate concern for the physical safety of a student or others, or in conjunction with a behavioral intervention plan in a student's Individualized Education Program (IEP). The District's use of time-out rooms will conform to applicable state regulations under 8 NYCRR 200.22.

1. Physical requirements

The room or physical space used for the purposes of a timeout may be located within a classroom or outside a classroom. The room or space must allow for continuous visual and auditory monitoring of the student. The room or space must be unlocked, and any door must be able to be opened from the inside. The room will be large enough to allow a student to move freely and lay down comfortably. Wall and floor coverings will be designed to prevent student injury where possible, and there will be adequate lighting and ventilation. The temperature of the room will be within the normal comfort range, and consistent with the rest of the building. The room will be clean and free of objects and fixtures that could be potentially dangerous to a student, and will meet all local fire and safety codes.

2. Additional Requirements

The IEP of students with disabilities will specify when a behavioral intervention plan (BIP) includes the use of a timeout, including the maximum amount of time a student will need to be in a timeout as a behavioral consequence, as determined on an individual basis, in consideration of

the student's age and individual needs. The behavioral intervention plan will be designed to teach and reinforce alternative appropriate behaviors.

The District will inform parents of students with disabilities prior to the initiation of a BIP that incorporates the use of a timeout, give the parents the opportunity to see the room or physical space used, and provide the parents with a copy of this regulation and the policy it implements.

3. Precipitating Factors

The factors that may lead to a student being temporarily placed in a timeout will depend on the particular student. Generally, timeouts may be used when a student needs to de-escalate, regain control, and prepare to meet expectations to return to the education program. Such students may be unable to control (or exhibit difficulty controlling) their actions or emotions, feel overwhelmed or overstimulated, exhibit violent actions, or pose a danger to themselves or others. Such students generally would not have responded favorably to initial intervention and de- escalation actions by staff, or when positive, proactive intervention strategies used by staff were unsuccessful.

4. Time Limitations

The amount of time a student may spend in a timeout will vary with the student's age, individual needs, behavioral intervention plan (for students with disabilities), and the specific circumstances. Students will spend only as much time in timeout as is necessary for them to de-escalate, regain control, return to their educational programs, or no longer pose a concern for the physical safety of themselves or others. Students will not be in timeout for more than the maximum amount of time specified in their behavioral intervention plans (for students with disabilities).

Use of Physical Restraint

Physical restraint immobilizes or reduces the ability of a student to move their arms, legs, body, or head freely. Physical restraint does not include a physical escort or brief physical contact and/or redirection to promote student safety, calm or comfort a student, prompt or guide a student when teaching a skill or assisting a student in completing a task, or for other similar purposes.

5. Requirements

Physical restraint will only be used in situations where immediate intervention involving the use of reasonable physical force is necessary to prevent imminent danger of serious physical harm to the student or others.

1. The type of physical restraint used shall be the least restrictive technique necessary, and will stop as soon as the imminent danger of serious physical harm is over.
2. Physical restraint will not restrict the student's ability to breathe or communicate, or harm the student.
3. Students will not be restrained in a face-down position.

4. Physical restraint will not be used as a planned intervention on a student's individualized education program, Section 504 accommodation plan, behavioral intervention plan, or other plan developed for a student by the school.
5. Physical restraint will not be used to prevent property damage, except in situations where there is imminent danger of serious physical harm to the student or others, and the student has not responded to positive, proactive intervention strategies.
6. Physical restraint will be administered only by staff who have received training in accordance with state regulations and this policy and regulation.
7. Following a physical restraint, if the student is or is believed to be injured, the school nurse or other medical personnel (i.e., physician, physician assistant, or a nurse practitioner) will evaluate the student to determine and document if any injuries were sustained during the incident.

6. Precipitating Factors

The factors which may trigger the use of physical restraint can depend on the particular student, but there must be imminent danger of serious physical harm to the student or others. Generally, physical restraint may be used when a student needs to de-escalate, regain control of their actions and emotions, and prepare to meet expectations to return to the education program. Such students may be unable to control (or exhibit difficulty controlling) their actions or emotions, feel overwhelmed or overstimulated, exhibit violent actions, or pose a danger to themselves or others. Such students generally would not have responded favorably to initial intervention and de-escalation actions by staff, or when positive, proactive intervention strategies used by staff were unsuccessful.

7. Time Limitations

Students will remain in physical restraint only while the imminent danger of serious physical harm to the student or others persists.

General Requirements for Timeout and Physical Restraint

8. Staff Training

All staff authorized to place a student in a timeout or physical restraint, including those who function as timeout monitors, will receive annual, evidence-based training in safe and effective developmentally appropriate timeout and physical restraint procedures, on the District's policies and procedures for placing a student in a timeout or physical restraint, including situations warranting the use of a timeout, crisis intervention and prevention procedures, de-escalation techniques, IEP requirements, continuous monitoring, time limitations, and data collection.

Only trained staff authorized by the school principal may implement timeout or physical restraint. Staff not authorized to implement a timeout or physical restraint will receive training on what to do and who to contact if a student is exhibiting behaviors indicating the need for the use

of a timeout or physical restraint, where the student has not responded to positive and proactive strategies and less restrictive and intrusive interventions and de-escalation techniques.

9. Prohibitions

Students are prohibited from being placed in a locked room or space for timeout, or in a prone restraint (face-down position). In addition, the following actions are prohibited by state regulations:

A. Aversive Interventions

Aversive interventions are defined in state regulations as those which are intended to induce pain or discomfort for the purpose of eliminating or reducing student behavior. It includes applying noxious, painful, intrusive stimuli, strangling, shoving, deep muscle squeezes or similar actions; noxious, painful or intrusive spray, inhalant or taste; denying or delaying food, or altering food or drink to make it distasteful; limiting movement as a punishment, including helmets or mechanical restraints.

Aversive interventions do not include voice control if limited to loud, firm comments; time-limited ignoring of a specific behavior, token fines as part of a token economy system, brief physical prompts to interrupt or prevent a specific behavior, interventions medically necessary to treat or protect the student.

B. Corporal Punishment

Corporal punishment is defined in state regulations as any act of physical force upon a student for the purpose of punishing that student. The term does not include the use of physical restraint as defined in state regulations to protect the student, another student, teacher or any other person from physical injury when alternative procedures and methods not involving the use physical restraint cannot reasonably be employed to achieve these purposes.

C. Seclusion

Seclusion is defined in state regulations as the involuntary confinement of a student alone in a room or space that they are physically prevented from leaving or they may perceive that they cannot leave at will. Seclusion does not include timeout as defined in this policy and state regulations.

10. Data Collection to Monitor Effectiveness

The District will document the use of timeout (including those pursuant to a BIP) and physical restraints, and monitor the effectiveness of the use of such to decrease the challenging behaviors. Such documentation will include a record for each student placed in a time out room, including the student's name and date of birth and whether the student has an IEP, Section 504 plan, BIP, or other plan developed by the District for the student. Each record will show, for each

use of the timeout, the location of the timeout room, the date, time, duration of stay, precipitating factors requiring the use of the timeout or physical restraint, the names of staff members who participated in the implementation, monitoring, and supervision of the use of the timeout or physical restraint, the details of any injuries sustained by the students or others, including staff, during the incident, and the student's behaviors/condition before, during and after use of the time out room. The date and method of parent notification, whether a meeting was held, and the date a debriefing was held wi11 also be documented. Copies of these records will be sent to the student's teachers, CSE chairperson (for a student with a disability), Assistant Superintendent of Special Education, and Building Principal. Appropriate staff will meet regularly as needed to review the effectiveness of the use of timeout and physical restraint. Building Principals will periodically report on the use and effectiveness of timeout and physical restraint to the Assistant Superintendent of Special Education and Superintendent, who will report to the Board annually. This documentation will be made available to the State Education Department upon request.

11. Debriefing

As soon as is practicable, and after every incident in which timeout and/or a physical restraint is used on a student, a school administrator or designee will:

a) Meet with the school staff who participated in the use of timeout and/or physical restraint to discuss:

1. the circumstances leading to the use of timeout and/or physical restraint;

ii. the positive, proactive intervention strategies that were utilized prior to the use of timeout and/or physical restraint; and

iii. planning for the prevention and reduction of the future need for timeout and/or physical restraint with the student including, if applicable, whether a referral should be made for special education programs and/or other support services or, for a student with a disability, whether a referral for review of the student's individualized education program and/or behavioral intervention plan is needed.

b) Direct a school staff member to debrief the incident with the student in a manner appropriate to the student's age and developmental ability and to discuss the behavior(s), if any, that precipitated the use of timeout and/or physical restraint.

12. Review of Documentation

The Superintendent or designee will regularly review documentation on the use of timeout and physical restraint to ensure compliance with the District's policy and procedures.

If there are multiple incidents within the same classroom or involving the same staff, the Assistant Superintendent for Special Education and Student Supports or designee will take appropriate steps to address the frequency and pattern of use.

13. Parent Rights and Information

The District will inform parents (this term includes guardians and persons in parental relation) prior to the initiation of a behavioral intervention plan for their child which will incorporate the use of a timeout or physical restraint. Parents will be given the opportunity to see the physical space used as a time out room. Parents will be given a copy of the District's policy and regulation on timeouts and physical restraints. The District will notify parents each time a student is placed in the time out room on that same day, as described in policy 4321.12 and any applicable building-specific procedures.

Adoption Date: December 18, 2024