

Board of Education Policy

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

The use of a time out room, physical restraint or aversive intervention will be in conformance with a child's individual education program (IEP). Staff will adhere to federal and state laws 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 the educational program. To the extent that the District wishes to establish a time out room, the room will only be used in conjunction with a behavioral intervention plan, as part 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 Executive Director of Educational Services and/or the Administrator of Pupil Personnel Services will be responsible for the development and implementation of regulations covering the use of a time out room, as well as monitoring compliance with those regulations.

The Executive Director of Educational Services and/or the Administrator of Pupil Personnel Services will inform parents prior to the initiation of a behavioral intervention plan that will incorporate the use of a time out room. Upon request, the parents will be shown the space that will be utilized. In addition, the parents 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. The district will notify all parents of students with disabilities that a time out room may be used in emergencies, as described above.

Physical/Mechanical Restraint: Emergency Interventions

Staff will not use physical or mechanical restraint as a substitute for systematic intervention to modify inappropriate behavior. Staff who may be called upon to physically/mechanically restrain a student will be trained 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.

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

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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.

Aversive Behavioral Intervention

Aversive behavioral intervention, as defined in §19.5 of the Commissioner's regulations, will not be the sole or primary approach to modifying inappropriate behavior, and is generally prohibited, unless a child-specific exception was granted by the Commissioner of Education in the 2008-2009 school year, and each subsequent year thereafter, and incorporated into the student's IEP. This approach will be limited to self-injurious or aggressive behaviors identified on the child's IEP.

The IEP will identify the specific targeted behavior, the aversive intervention to be used and, if applicable, the device to be utilized. The parent must provide informed written consent for the use of the aversive intervention.

Parent Notification

The law does not specify who must notify parents. Because school buildings may vary in size and complexity, Building Principals are likely the best person to determine the process that will work best for that building. Because the law requires that Building Principals report unsuccessful notification attempts to the CSE, if the actual notification is carried out by a designee, Principals may wish to be aware of only the unsuccessful notification attempts, or all notification results (both successful and unsuccessful).

Because students could potentially be placed in a time out room or restraint on more than one occasion by more than one staff member in any given school day, establishing a centralized method for notification may be prudent. The law does not mandate whether a single aggregate daily notification is acceptable, versus separate notifications of each instance. The law also does not specify the information that must be provided (e.g., time, duration, precipitating events), or how parents must be notified (e.g., specific allowable methods of communication).

Confirmation that notification was received, and sending written notification where the district has not heard back from parents, is not required by the law, but serves as additional means to notify parents, as well as document the district's good faith effort to comply with the law.

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The law is applicable to students with disabilities, and this policy is written accordingly. However, the district could choose to apply this policy to all students. This keeps parents informed of their children's well-being, and may be particularly helpful for students who are suspected of having a disability, or who may be identified as having a disability in the future.

Pursuant to Education Law §4402(9), the Board is required to develop procedures for same-day parent notification of use of time out room or physical/mechanical restraint. Whenever a student is placed in a physical or mechanical 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.

The district will periodically examine data about the use of time out rooms and restraints. Such data will be disaggregated by school, grade level, and staff member, as well as by student race/ethnicity and sex/gender (and/or other relevant factors). The purpose of this examination is to determine whether students from any demographic group are disproportionately placed in time out rooms and restraints and how to reduce such disproportionality, and whether, where and for whom additional training, support and/or assistance is needed to reduce the use of such interventions.

Training

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

The Superintendent of Schools, Executive Director of Educational Services and/or the Administrator of Pupil Personnel Services is responsible for implementation and oversight of this policy.

Reference: 8 NYCRR §§19.5; 200.15; 200.22

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