

ADMINISTRATIVE POLICY & PROCEDURE

Uniform Statewide Protocols for Diapering and Toileting in Public Schools

POLICY TITLE Statewide Diapering and Toileting Protocols	POLICY NUMBER / REGULATION NYSED Reg. 8 NYCRR § 136.10
STATUTORY AUTHORITY Education Law § 305(62) (Ch. 361, L. 2024)	EFFECTIVE DATE March 27, 2026
TARGET AUDIENCE School Personnel, Administrators, Health Staff	JURISDICTION Public Schools & Approved Educational Programs

1. PURPOSE & STATUTORY BASIS

This policy is established in accordance with Chapter 361 of the Laws of 2024, which added subdivision 62 to section 305 of the Education Law, and section 136.10 of the Regulations of the Commissioner of Education. The purpose of this policy is to establish uniform statewide protocols for student diapering and toileting, ensuring a safe, hygienic, respectful, and accessible educational environment for all students.

2. SCOPE & APPLICABILITY

This policy applies to all covered educational entities, including:

- Public school districts and public schools
- Boards of Cooperative Educational Services (BOCES)
- Special Act School Districts
- Approved private residential and nonresidential schools for the education of students with disabilities
- State-supported schools for the blind and deaf
- Certain approved preschool special education programs

3. POLICY STATEMENTS & DIRECTIVES

A. Non-Discrimination & Admission Protections

No student shall be suspended, disenrolled, or excluded from enrollment or participation in school or school-sponsored programs based on their toileting status.

B. Accessible & Equitable Restroom Access

- **Timely Access:** Students must be granted access to diapering, toileting, or restroom facilities without unreasonable delay throughout the entire school day, including during instructional, non-instructional, and extracurricular time.

- **Facilities & Privacy:** Toileting facilities and changing areas must provide privacy in a separate area that is developmentally appropriate and accessible for all students, including students with disabilities. Restrooms must be consistently maintained, clean, safe, operational, and appropriately equipped.

C. Supplies, Equipment, & IEP/504 Compliance

- **Supplies & Equipment:** Safe, essential, and accessible diapering and toileting supplies and equipment must be available and maintained at all times as appropriate per individual student need.
- **Specialized Supports:** All required supports, services, and specialized equipment must be provided to preschool and school-age students with disabilities in full compliance with their Individualized Education Program (IEP) or Section 504 Plan.

D. Accidents & Sensitivity

Toileting accidents must be managed with sensitivity, dignity, and care. Under no circumstances shall a student be subjected to punishment, exclusion, shaming, or disciplinary measures due to a toileting accident.

E. Personnel Training

Annual training on health and safety procedures, hygiene practices, and respectful support protocols must be provided to all relevant school personnel.

4. OPERATIONAL PROTOCOLS & STANDARD OPERATING PROCEDURES

Area	Protocol Requirements
Hygiene & Safety Procedures	Define and implement clear, age-appropriate routines that promote health, prevent contamination, maintain proper sanitation, and ensure appropriate supervision while preserving student privacy.
Facility Maintenance	Establish daily cleaning and sanitation schedules to ensure all restrooms and diaper changing areas remain fully operational, hygienic, stocked, and safe at all times.
Staff Staffing & Training	Maintain annual completion logs for health and safety training for all designated educational, health, and support staff.
Accommodation & Individual Plans	Coordinate with Special Education and Health Services to verify that equipment and support requirements specified in IEPs or 504 Plans are fully operational and accessible.

Compliance Note: Failure to comply with these statewide regulations may result in administrative review by the Department of Education. School leaders must ensure all protocols are operational prior to the effective date of March 27, 2026.

Approved by: Superintendent / School Board
Authorized Official

Date of Adoption / Implementation

