USE OF TIMEOUT ROOMS AND PHYSICAL RESTRAINTS

The Board of Education recognizes that students with disabilities sometimes exhibit behaviors that impede their learning or that of others, or otherwise present safety issues to themselves or others. As a result, students with disabilities may require unique approaches to behavior management to continue benefiting from their educational program. The Board further acknowledges that the use of aversive behavioral intervention, corporal punishment, and seclusion as defined in §19.5 of the Commissioner's Regulations, is prohibited.

Definitions

For purposes of this policy, the following definitions apply:

a. "Aversive intervention" means an intervention that is intended to induce pain or discomfort for the purpose of eliminating or reducing student behavior, including interventions such as:
    1. Contingent application of noxious, painful, intrusive stimuli or activities;
    2. Strangling, shoving, deep muscle squeezes, or other similar stimuli;
    3. Any form of noxious, painful, or intrusive spray, inhalant, or tastes;
    4. Contingent food programs that include the denial or delay of the provision of meals or intentionally altering staple food or drink in order to make it distasteful;
    5. Movement limitation used as a punishment, including, but not limited to, helmets and mechanical restraints; or
    6. Other stimuli or actions similar to the interventions described in this definition.

    Aversive intervention does not include interventions such as: voice control, limited to loud, firm commands; 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 for the treatment or protection of the student; or other similar interventions.

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

c. “De-escalation” means the use of a behavior management technique that helps a student increase control over their emotions and behavior and results in a reduction of a present or potential level of danger to the student or others.

d. “Mechanical restraint” means the use of any device or equipment to restrict a student’s freedom of movement. Mechanical restraint does not include devices implemented by trained school personnel, or used by a student, that have been prescribed by an appropriate medical or related services professional and are used for the specific and approved purposes for which such devices were designed, such as:

    1. Adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports;

    2. Vehicle safety restraints when used as intended during the transport of a student in a moving vehicle;

    3. Restraints for medical immobilization; or

    4. Orthopedically prescribed devices that permit a student to participate in activities without risk of harm.

e. “Multi-tiered system of support” means a proactive and preventative framework that utilizes data to inform instruction and the allocation of services to maximize achievement for all students and support students’ social, emotional, and behavioral needs from a culturally responsive and strength-based perspective.

f. “Physical escort” means a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is acting out to walk to a safe location.

g. “Physical restraint” means a personal restriction that 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.

h. “Prone restraint” means physical or mechanical restraint while the student is in the face down position.

i. “Seclusion” means 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.

j. “Timeout” means a behavior management technique that involves the monitored separation of a student in a non-locked setting and is 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;

3. A teacher removal, in-school suspension, or any other appropriate disciplinary action.

Teachers, administrators, officers, employees, and/or agents of the District are prohibited from using any of the following against a student:

a. Corporal punishment;

b. Aversive interventions; or

c. Seclusion.

Agents of the District include, but are not limited to, school resource officers, except when a student is under arrest and handcuffs are necessary for the safety of the student and others. If not effecting an arrest, school resource officers must comply with the same rules under this policy as all other employees and/or agents of the District, including the prohibition against using corporal punishment, seclusion, aversive interventions, and/or mechanical restraints.

Authorized Limited Use of Timeout

It is the expectation and directive of the Board of Education that the use of physical restraint and timeout be used only when other less restrictive and intrusive interventions and de-escalation techniques would not prevent imminent danger of serious physical harm to the student or others, there is no known medical contraindication to its use on the student; and school staff using such interventions have been trained in its safe and appropriate application. The use of physical restraint and timeout rooms will be used only for the minimum amount of time possible, and fully in compliance with this policy.

Timeout and physical restraints shall 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. Finally, staff will adhere to federal and state statutes and regulations in the administration of these measures.

A timeout room or physical space is an area for a student to safely de-escalate, 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 ("BIP") and in situations that pose an immediate concern for the physical safety of a student or others. The room will provide a continuously monitored and supervised area to facilitate self-control. The location,

size, and access to the timeout 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 timeout room and monitoring compliance with those regulations.

- *Physical Requirements*
  - A room or physical space used for purposes of timeout may be located within a classroom or outside of the classroom.
  - Timeout rooms shall allow for continuous visual and auditory monitoring of the student.
  - The room shall be large enough to allow a student to move freely and lay down comfortably.
  - Wall and floor coverings shall be designed to prevent student injury where possible, and
  - Adequate lighting and ventilation shall be provided.
  - The temperature of the room or physical space 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 potentially dangerous to a student and meet all local fire and safety codes.

- *Monitoring, Observation, and Supervision*
  - School staff shall continuously monitor the student in a timeout room. The staff must be able to see and hear the student at all times.

- *Prohibition on Locks*
  - Timeout rooms or spaces shall be unlocked, and the door must be able to be opened from the inside.

- *IEP Requirements*
  - Except for unanticipated situations that pose an immediate concern for the physical safety of a student or others, timeout rooms may only be used in conjunction with a BIP that is part of a student's IEP and designed to teach and reinforce alternative appropriate behaviors.

- *Precipitating Factors*
  - The factors that may lead to the use of the timeout or physical restraint will depend on the particular student. Generally, timeout rooms are to be used when a student needs to de-escalate, regain control and prepare to meet expectations to return to his or her education program. A student needing a timeout room or physical restraint may be unable to control his/her actions, overwhelmed, overstimulated, exhibiting violent actions, or posing a danger to self or others.

- *Time Limitations*
    - The amount of time a student may spend in a timeout room will vary with the student's age, individual needs, BIP, and specific circumstances. Students shall spend only as much time in the timeout room as is necessary to de-escalate, regain control, return to their educational programs, or no longer pose a concern for the physical safety of themselves or others. A student's IEP shall specify the maximum amount of time a student will need to be in timeout as a behavioral consequence as determined on an individual basis. For emergency use, the maximum time to be spent in a timeout room shall be 15 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 BIP or IEP, or actions reasonably calculated to assist the student.

- *Data Collection to Monitor Effectiveness*
    - The District shall document each incident involving the use of timeout, including timeout in conjunction with a student's BIP, and/or physical restraint on each student, which shall include:
        a. student's name and date of birth,
        b. the setting and location of the incident,
        c. the name of the staff members who participated in the implementation, monitoring and supervision of the use of the timeout and/or physical restraint and any other persons involved,
        d. a description of the incident including duration, and for physical restraint, the type of restraint used,
        e. a statement as to whether the student has an IEP, section 504 accommodation plan, a current BIP, or other plan developed for the student by the school,
        f. a list of all positive, proactive intervention strategies utilized prior to the use of timeout and/or physical restraint; and for students with disabilities, whether those strategies were consistent with a student's BIP, if applicable,
        g. details of any injuries sustained by either the student or others during the incident and whether the student was evaluated by the school nurse or other medical personnel,
        h. the date and method of notification to the parent or person in parental relation and whether a meeting was held, and the date of the debriefing.

    - Documentation of the incident shall be reviewed by school supervisory personnel and, as necessary, the school nurse or other medical personnel. Building Principals shall periodically report on the use and effectiveness of timeout rooms to the Superintendent of Schools or his/her designee, who shall report to the Board annually.

Students with Behavioral Intervention Plans

The following additional rules apply to the use of timeout in conjunction with a behavioral intervention plan:

- The District will ensure that timeout is used consistently with the rules for the use of timeout listed above.

- The student's IEP will specify when a BIP includes the use of timeout, including the maximum amount of time a student will need to be in timeout as a behavioral consequence as determined on an individual basis in consideration of the student's age and individual needs.

- Prior to the initiation of a BIP that will incorporate the use of timeout, the District will inform the student's parents or persons in parental relation and give them the opportunity to see the room or physical space that will be used.

- Prior to the initiation of a BIP that will incorporate the use of timeout, the District will give the student's parents or persons in parental relation a copy of this policy.

Authorized Limited Use of Physical Restraints

Staff will not use physical restraint as a substitute for systematic intervention to modify inappropriate behavior. Staff who may be called upon to restrain a student physically will be trained annually on evidence-based safe and effective developmentally appropriate procedures. Physical restraint may be used only in a situation in which immediate intervention involving the use of reasonable physical force is necessary to prevent imminent danger of serious physical harm to the student or others.

Staff will only use physical restraint to prevent imminent danger of serious physical harm to the student or others. Physical restraint shall 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.

Physical restraint shall not be used as a planned intervention on a student's IEP, section 504 accommodation plan, BIP, or other plan developed for a student by the school.

The use of prone restraint is prohibited.

Notification Following the Use of Timeout or Physical Restraint

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 use of timeout, including timeout used in conjunction with a student's BIP, or use of a physical restraint on the same day it happens. If the parent cannot be contacted after reasonable attempts are made, the Principal will

record such attempts. For students with disabilities, the Principal will report such attempts to the Committee on Preschool Special Education or Committee on Special Education.

Additionally, the District will provide the parent/guardian with a copy of this policy and a copy of the documentation of the incident within three (3) school days of the use of timeout and/or physical restraint.

Debriefing

- As soon as practicable, and after every incident in which timeout and/or a physical restraint is used on a student, a school administrator or designee shall:
  i. meet with the school staff who participated in the use of timeout and/or physical restraint to discuss:
     a. the circumstances leading to the use of timeout and/or physical restraint;
     b. the positive, proactive intervention strategies that were utilized prior to the use of timeout and/or physical restraint; and
     c. 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 IEP and/or BIP is needed; and
  ii. 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.

Training

All staff shall receive annual training on the school's policies and procedures related to the use of timeout and physical restraint; evidence-based positive, proactive strategies; crisis intervention and prevention procedures and de-escalation techniques or as otherwise needed in accordance with Section 200.22(d) of the Commissioner's Regulations. In addition to the training requirements for all staff, any staff who may be called upon to implement timeout or physical restraint shall receive annual, evidence-based training in safe and effective developmentally appropriate timeout and physical restraint procedures.

Recordkeeping

The District shall document each incident involving the use of timeout, including timeout used in conjunction with a student's BIP, and/or physical restraint on each student, which shall include:

a. the student's name and date of birth,

b. the setting and location of the incident,

c. the staff members who participated in the implementation, monitoring and supervision of the use of timeout and/or physical restraint and any other persons involved,

d. a description of the incident and the intervention used,

e. the duration of the incident, and for physical restraint, the type of restraint used,

f. a statement as to whether the student has an IEP, section 504 accommodation plan, a current BIP, or other plan developed for the student by the school,

g. a list of all positive, proactive intervention strategies utilized prior to the use of timeout and/or physical restraint; and for students with disabilities, whether those strategies were consistent with a student's BIP, if applicable,

h. details of any injuries sustained by either the student or others as a result of the incident and whether the student was evaluated by the school nurse or other medical personnel; and

i. the date and method of notification to the parent or person in parental relation and whether a meeting was held, and the date of the debriefing.

Documentation of the incident shall be reviewed by school supervisory personnel and, as necessary, the school nurse or other medical personnel. Documentation of each incident shall be maintained by the school and made available for review by the department upon request.

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

Adoption date: 03-21-23

Amended: 04-02-24

04-14-26