

POLICY

2023

7618
1 of 2

Students

SUBJECT: Same Day Parental Notification of SWD of Physical or Mechanical Restraints

Overview

Chapter 516 of the Laws of 2022, signed into law on August 17, 2022, and effective immediately, amends section 4402 of the education law by adding a new subdivision 9.

This amendment requires each school district to develop a procedure to notify a student with a disability's parent or person in parental relation on the same day a physical or mechanical restraint is used on the student or the student is placed in a time-out room.

When the student's parent or person in parental relation cannot be contacted after reasonable attempts are made, the principal shall record and report such attempts to the committee on special education.

Defining SWD, Physical and Mechanical Restraints

For purposes of this policy:

a) Student with a Disability is defined as a student with a disability as defined in section 4401(1) of the Education Law, who has not attained the age of 21 prior to September 1st and who is entitled to attend public schools pursuant to section 3202 of the Education Law and who, because of mental, physical or emotional reasons, has been identified as having a disability and who requires special services and programs approved by the department.

b) Physical Restraint is defined as "any manual method that meets the following criteria:

- Restricts the student's freedom of movement or normal access to his/her body in order to protect the safety of the student or others."

c) Mechanical Restraint is defined as "any mechanical device, equipment or material, that meets all of the following criteria:

- Is attached or adjacent to the student's body;
- Cannot be removed easily by the student; and
- Restricts the student's freedom of movement or normal access to his/her body in order to protect the safety of the student or others."

District Procedure:

(continued)

POLICY

2023

7618
2 of 2

Students

The building administrator or assigned designee attempts to call the parent or person in parental relation of the student.

a.) If the administrator or assigned designee is successful in connecting with the parent or person in parental relation of the student, this conversation is documented. Documentation of this notification includes:

- the person spoken to
- date
- time
- a brief summary of conversation

The building administrator or assigned designee sends this documentation to the Committee on Special Education office the same day.

b.) If the administrator or assigned designee is unable to connect with the parent or person in parental relation of the student, each attempt to call the parent or person in parental relation is documented with the following:

- date
- time the call was made
- brief summary if a message is left

The building administrator or assigned designee sends this documentation to the Committee on Special Education office the same day.

Adoption Date: 02.08.23