

**(X) Required**

(x) Local

(x) Notice

## **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 statute and regulation 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. 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 Director of Pupil Personnel Services is 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 Director 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, 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.

### *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 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.

The district will establish a Human Rights Committee to monitor the use of aversive behavior interventions. The committee will be comprised of individuals not employed by the school district and its membership will be in conformance with Commissioner's regulations.

#### *Parent Notification*

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.

### Equity

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, would be provided annually or as needed.

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

Ref: 8 NYCRR §§19.5; 200.15; 200.22

1<sup>st</sup> Reading: February 16, 2023

Adoption Date: February 16, 2023

## **USE OF TIME OUT ROOMS REGULATION**

A time out room is a supervised area for a student to safely deescalate, regain control and prepare to meet expectations to return to the educational program. Time out 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.

### **1. Physical requirements**

Time out rooms will allow for continuous visual and auditory monitoring of the student. 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. Monitoring, Observation and Supervision**

School staff will continuously monitor the student in a time out room. The staff must be able to see and hear the student at all times.

### **3. Prohibition on Locks**

Time out rooms or spaces will be unlocked, and the door must be able to be opened from the inside.

### **4. IEP Requirements**

A student's IEP will specify when a behavioral intervention plan includes the use of a time out room for a student with a disability, including the maximum amount of time a student will need to be in a time out room 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.

### **5. Precipitating Factors**

The factors that may lead to a student being temporarily placed in a time out room will depend on the particular student. Generally, time out rooms are to be used when a student needs to deescalate, regain control and prepare to meet expectations to return to the education program. Students in need of a time out room may be unable to control their actions, feel overwhelmed, or overstimulated, exhibit violent actions, or pose a danger to themselves or others.

## 6. Time Limitations

The amount of time a student may spend in a time out room will vary with the student's age, individual needs, behavioral intervention plan, and the specific circumstances. Students will spend only as much time in the time out room as is necessary for them to deescalate, 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 a time out room for more than the maximum amount of time specified in their behavioral intervention plans. For emergency use, where a time out room is not specified in a student's behavioral intervention plan, but where such emergency use is not inconsistent with the student's IEP, the maximum time to be spent in a time out room is 30 minutes. Students who are not ready to return to the educational program after that period of time will be provided with further interventions consistent with their behavioral intervention plan or IEP, or actions reasonably calculated to assist them.

## 7. Staff Training

All staff authorized to place a student in a time out room will receive training on the procedures for placing a student in a time out room, including situations warranting use of a time out room, IEP requirements, continuous monitoring, time limitations, and data collection. Only trained staff authorized by the school principal may place a student in a time out room. Staff not authorized to place a student in a time out room will receive training on what to do and who to contact if a student is exhibiting behaviors indicating the need for use of the time out room.

## 8. Data Collection to Monitor Effectiveness

The district will document the use of time out rooms, and monitor the effectiveness of the use of time out rooms to decrease the behaviors that led to the use of the rooms. Such documentation will include a record for each student placed in a time out room. Each record will show, for each use of the time out room, the date, time, duration of stay, precipitating factors, staff members involved, and the student's behaviors/condition before, during and after use of the time out room. Copies of these records will be sent to the student's teachers, Director of Pupil Personnel Services, and Building Principal. Appropriate staff will meet regularly as needed to review the effectiveness of the time out room for each student placed in one. Building Principals will periodically report on the use and effectiveness of time out rooms to the Director of Pupil Personnel Services and Superintendent, who will report to the Board annually.

## 9. 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 time out room. 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 time out rooms. The district will notify parents each time a student is placed in the time out room on that day, as described in policy 4321.12 and any applicable building-specific procedures.

**PARENT NOTIFICATION OF USE OF TIME OUT ROOM OR  
PHYSICAL/MECHANICAL RESTRAINT**

[Date]

[Name of Parent/Person in Parental Relation]

[Address of Parent/Person in Parental Relation]

Dear [Parent/Person in Parental Relation Name]:

As we notified you on [date] via [method of communication], [student's name] engaged in the following behavior: [description of behavior triggering use of time-out room or physical/mechanical restraint] on [date].

We attempted the following behavior support strategies: [description of alternatives to time-out room or restraint use].

When these attempts did not succeed, we [select one: (A) sent [student's name] to the time-out room [or insert name used by the school] (B) physically/mechanically restrained [student's name] for a period of [number] minutes. [Include for use of time out room: The student was accompanied by [name(s)], who helped the student to calm.]

[Discuss any follow-up, de-brief, or other actions. For example, when there is repeated use of the time-out room or restraint for the same student, invite the parent/person in parental relation to meet and discuss alternative strategies to help the student maximize the amount of time spent learning with peers].

Please contact [name and contact information] if you have any questions or need any additional information.

Sincerely,

[Name]

[Title]

1<sup>st</sup> Reading: February 16, 2023

Adoption Date: February 16, 2023