



Book	Ogdensburg City School District
Section	4000
Title	TIMEOUT AND PHYSICAL RESTRAINT (ALL STUDENTS) REGULATION
Code	4321.12-R
Status	First Reading

NOTE: This regulation updates and replaces our previous sample 4321.12-R. Generally, the contents of this regulation reflect the requirements of the state regulations 8 NYCRR §19.5. There are some areas noted below where the district can customize this regulation.

This regulation contains administrative procedures addressing the use of timeout and physical restraint, as required by state regulations.

I. Timeout

NOTE: State regulations 8 NYCRR §19.5(b)(11) define timeout as included below.

Timeout is defined in state regulations as a behavior management technique that involves the monitored separation of a student in a non-locked setting, 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; or
3. a teacher removal, in-school suspension; or any other appropriate disciplinary action.

A. Use of Timeout

NOTE: State regulations 8 NYCRR §19.5(d)(1) restrict the use of timeout, described below.

Timeout may only be used in situations that pose an immediate concern for the physical safety of the student or others. Staff must return students to their educational program as soon as they have safely de-escalated, regained control and are prepared to meet expectations.

NOTE: While not included in the state regulations and not required to be included in policy, districts must attend to students' physical needs during the school day, including during timeout, such as medication, food, water, and use of a restroom.

B. Physical Requirements for Rooms or Spaces Used for Timeout

NOTE: This section reflects the requirements of State regulations 8 NYCRR §19.5(d)(1).

The room or physical space ("space") used for purposes of timeout may be located within a classroom or outside of the classroom. The space must be unlocked, and any door must be able to be opened from the inside. The space must allow for continuous visual and auditory monitoring of the student, and school staff will continuously

monitor students in timeout. The space will be large enough to allow a student to move freely and lay down comfortably. The space 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. Wall and floor coverings will, to the extent practicable, be designed to prevent student injury, and there will be adequate lighting and ventilation. The temperature of the space will be within the normal comfort range, and consistent with the rest of the building.

C. Additional Requirements for the Use of Timeout with Students with Disabilities

NOTE: *This section reflects the requirements of State regulations 8 NYCRR §200.22(c).*

The IEP of a student with a disability will specify when a behavioral intervention plan includes the use of timeout, including the maximum amount of time they 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. The behavioral intervention plan will be designed to teach and reinforce alternative appropriate behaviors.

The district will inform parents of students with disabilities prior to the initiation of a BIP that incorporates the use of timeout, give the parent an opportunity to see the room or physical space used, and provide the parent with copy of this policy and regulation.

D. Factors Precipitating the Use of Timeout

NOTE: *State regulations 8 NYCRR §19.5(d)(8) require the district's policy and procedures to include factors which may precipitate the use of timeout. We have suggested the paragraph below, which is consistent with the language of the state regulations 8 NYCRR §19.5(d) for the use of timeout. Your district may wish to modify as appropriate.*

The factors which may trigger the use of timeout can depend on the particular student. Generally, timeout may be used when a student needs to de-escalate, regain control of their actions and emotions, and prepare to meet expectations to return to the education program. Such students may be unable to control (or exhibit difficulty controlling) their actions or emotions, feel overwhelmed or overstimulated, exhibit violent actions, or pose a danger to themselves or others. Such students generally would not have responded favorably to initial intervention and de-escalation actions by staff, or when positive, proactive intervention strategies used by staff were unsuccessful.

E. Time Limitations for Timeout

NOTE: *State regulations 8 NYCRR §19.5(d)(8) require districts to establish "developmentally appropriate time limitations" for timeout, but do not specify what the time limits must be, or whether a maximum number of minutes be set. We have provided this section as a suggestion, which we believe is consistent with state regulations 8 NYCRR §§19.5(b)(11), 19.5(d) and 200.22(c). Your district should discuss with the school attorney before setting additional or more specific limitations, such as periodically assessing whether students are ready to leave timeout, determining whether other actions and supports are necessary to assist the student in leaving timeout, setting a maximum amount of time a student can be placed in timeout (under any circumstances, or varied by student development level), or requiring approval by an administrator for timeouts to continue past a certain length of time.*

The amount of time a student may spend in timeout will vary with the student's age, grade, and development level, individual needs, behavioral intervention plan (for students with disabilities), and the specific circumstances. Students will spend only as much time in timeout 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.

Timeout for students with disabilities that are utilized pursuant to their BIP will not be more than the maximum amount of time specified in the BIP.

II. Use of Physical Restraint

NOTE: *State regulations define physical restraint as below in 8 NYCRR §19.5(b)(7).*

Physical restraint 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.

A. Requirements for use of Physical Restraint

NOTE: *State regulations 8 NYCRR §19.5(d)(2) restrict the use of physical restraint as below.*

Physical restraint will only be used in situations where immediate intervention involving the use of reasonable physical force is necessary to prevent imminent danger of serious physical harm to the student or others.

1. The type of physical restraint used shall be the least restrictive technique necessary, and will stop as soon as the imminent danger of serious physical harm is over.
2. Physical restraint will not restrict the student's ability to breathe or communicate, or harm the student.
3. Students will not be restrained in a face-down position.
4. Physical restraint will not be used as a planned intervention on a student's individualized education program, Section 504 accommodation plan, behavioral intervention plan, or other plan developed for a student by the school.
5. Physical restraint will 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.
6. Physical restraint will be administered only by staff who have received training in accordance with state regulations and this policy and regulation.
7. Following a physical restraint, if the student is or is believed to be injured, the school nurse or other medical personnel (i.e., physician, physician assistant, or a nurse practitioner) will evaluate the student to determine and document if any injuries were sustained during the incident.

B. Factors Precipitating the Use of Physical Restraint

NOTE: *State regulations 8 NYCRR §19.5(d)(8) require the district's policy and procedures to include factors which may precipitate the use of physical restraint. We have suggested the paragraph below, which is consistent with the language of the state regulations 8 NYCRR §19.5(d) for the use of physical restraint. Your district may wish to modify as appropriate.*

The factors which may trigger the use of physical restraint can depend on the particular student, but there must be imminent danger of serious physical harm to the student or others. Generally, physical restraint may be used when a student needs to de-escalate, regain control of their actions and emotions, and prepare to meet expectations to return to the education program. Such students may be unable to control (or exhibit difficulty controlling) their actions or emotions, feel overwhelmed or overstimulated, exhibit violent actions, or pose a danger to themselves or others. Such students generally would not have responded favorably to initial intervention and de-escalation actions by staff, or when positive, proactive intervention strategies used by staff were unsuccessful.

C. Time Limitations for Physical Restraint

NOTE: *State regulations 8 NYCRR §19.5(d)(8) require districts to establish "developmentally appropriate time limitations" for the use of physical restraint, but do not specify what the time limits must be, or whether a maximum number of minutes be set. Your district should discuss with the school attorney before setting additional or more specific limitations, such as setting a specific amount of time, assessing the situation after a certain amount of time to see what additional interventions are necessary to address the student's needs, consulting with student support staff such as school psychologist, school social worker, school nurse, or behavior specialist. Note also that the state regulations do not prohibit moving a student from physical restraint to timeout, or vice versa, if the situation warrants it.*

Students will remain in physical restraint only while the imminent danger of serious physical harm to the student or others persists.

III. General Requirements for Timeout and Physical Restraint

A. Staff Training

NOTE: *The following two paragraphs reflect the requirements of 8 NYCRR §19.5(d)(7) and (d)(1)(iii)*

All staff will receive annual training on:

1. the district's policies and procedures on the use of timeout and physical restraint;
2. evidence-based positive, proactive strategies; and

3. crisis intervention and prevention procedures and de-escalation techniques.

All staff authorized to implement timeout or physical restraint, including those who function as timeout monitors, will receive annual, evidence-based training in safe and effective developmentally appropriate timeout and physical restraint procedures.

NOTE: The following paragraph is not specifically required by state regulations, but we believe it is compatible with the requirements of the state regulations, and makes good sense.

Only trained staff authorized by the school principal may implement timeout or physical restraint. Staff who are not authorized to implement timeout or physical restraint will receive training on what to do and who to contact if a student is exhibiting behaviors indicating a need for timeout or physical restraint, where the student has not responded to positive and proactive strategies and less restrictive and intrusive interventions and de-escalation techniques.

B. Prohibitions

NOTE: Locked timeout spaces and prone restraint are prohibited by state regulations 8 NYCRR §19.5(d)(8)(i)(c) and (d). Aversive interventions, corporal punishment and seclusion are prohibited by state regulations 8 NYCRR §19.5(c), defined in 8 NYCRR §19.5(b)(1), (2), and (10).

Students are prohibited from being placed in a locked room or space for timeout, or in a prone restraint (face-down position). In addition, the following actions are prohibited by state regulations:

1. Aversive Interventions

Aversive interventions are defined in state regulations as those which are intended to induce pain or discomfort for the purpose of eliminating or reducing student behavior. It includes applying noxious, painful, intrusive stimuli, strangling, shoving, deep muscle squeezes or similar actions; noxious, painful or intrusive spray, inhalant or taste; denying or delaying food, or altering food or drink to make it distasteful; limiting movement as a punishment, including helmets or mechanical restraints.

Aversive interventions do not include voice control if limited to loud, firm comments; 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 to treat or protect the student.

2. Corporal Punishment

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

3. Seclusion

Seclusion is defined in state regulations as 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 as defined in this policy and state regulations.

C. Data Collection to Monitor Patterns of Use

1. Documentation

NOTE: The following actions are required by state regulations 8 NYCRR §§19.5(d)(4) and (d)(8)(i).

The district will document each incident of timeout (including those pursuant to a BIP) and physical restraint. Documentation will include:

- a. The student's name and birth date;
- b. The setting and location of the incident;
- c. The names of staff members who participated in the implementation, monitoring and supervision of the use of timeout/physical restraint;

- d. A description of the incident, including the duration and type of restraint used (for physical restraint);
- e. Whether the student has an IEP, Section 504 plan, BIP, or other plan developed by the school for the student;
- f. The positive, proactive intervention strategies utilized prior to the use of timeout/physical restraint (for students with disabilities, include whether those strategies were consistent with the BIP, if applicable);
- g. The details of any injuries sustained by the student or staff during the incident and whether the student was evaluated by the school nurse or other medical personnel;
- h. The date and method of parent notification and whether a meeting was held; and
- i. The date the debriefing was held.

This documentation will be reviewed as necessary by supervisory personnel and the school nurse or other medical personnel as necessary. This documentation will be made available to the State Education Department upon request.

2. Debriefing

NOTE: *The following actions are required by state regulations 8 NYCRR §19.5(d)(5).*

As soon as is practicable, and after every incident in which timeout and/or a physical restraint is used on a student, a school administrator or designee will:

- a. Meet with the school staff who participated in the use of timeout and/or physical restraint to discuss:
 - i. the circumstances leading to the use of timeout and/or physical restraint;
 - ii. the positive, proactive intervention strategies that were utilized prior to the use of timeout and/or physical restraint; and
 - iii. 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 individualized education program and/or behavioral intervention plan is needed.
- b. 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.

3. Review of Documentation

NOTE: *The following actions are required by state regulations 8 NYCRR §19.5(d)(6).*

The school administrator or designee will regularly review documentation on the use of timeout and physical restraint to ensure compliance with school's policy and procedures.

If there are multiple incidents within the same classroom or involving the same staff, the school administrator or designee will take appropriate steps to address the frequency and pattern of use.

D. Parent Notification

NOTE: *State regulations 8 NYCRR §19.5(d)(8)(i)h require the district's policy and procedures to address parent notification, but the state regulations do not specify particular methods to notify parents. We have provided suggested language here. Your district can modify or include other district or building-level processes for parent notification.*

Same-day parent notification will be via methods reasonably expected to reach the parent (e.g., email, text, phone, apps or portals, etc.), and may take into account parent preference.

Adoption date: