



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

**(X) Required**

- (x) Local  
(x) Notice

*NOTE: State regulations 8 NYCRR §19.5(d)(8) require school districts and BOCES to adopt (and post on the district website and make available to the public at the district office and each school) a written policy that establishes administrative practices and procedures regarding use of timeout and physical restraint, consistent with state regulations. The state regulations apply to all students, not only those students with disabilities. We are keeping this policy in the same location, but have added a clarifying sentence at the beginning.*

*State regulations require the policy and procedures to include, at a minimum:*

- a. factors which may precipitate the use of the timeout or physical restraint;*
- b. developmentally appropriate time limitations for the use of timeout and physical restraint;*
- c. prohibit placing a student in a locked room or space or in a room where the student cannot be continuously observed and supervised;*
- d. prohibit the use of prone restraint;*
- e. the requirements for students with disabilities whose behavioral intervention plan includes the use of timeout as a behavioral consequence;*
- f. staff training;*
- g. information to be provided to the parent or person in parental relation, including a copy of the timeout and physical restraint policy;*
- h. notifying the parent or person in parental relation on the same day when a student is placed in a timeout or a physical restraint is used; and*
- i. data collection to monitor patterns of use of timeout and physical restraint.*

*We have provided this policy and accompanying administrative regulation to update and replace our previous sample 4321.12 and 4321.12-R. Generally, the contents of this policy reflect the requirements of the state regulations. There are some areas noted below where the district can customize this policy and regulation.*

This policy applies to all students, whether or not they are students with disabilities. The Board of Education recognizes that sometimes students exhibit challenging behaviors that impede learning and pose concern for the physical safety of themselves or others. The Board is required by state law and state regulations to adopt a policy that establishes administrative practices and procedures on the use of timeout and physical restraint to address such challenging behaviors.

As required by state regulations, the district will utilize positive, proactive, evidence- and researched-based strategies through a multi-tiered system of supports, to reduce the occurrence of challenging behaviors, eliminate the need to the use of timeout and physical restraint, and improve school climate and the safety of all students. Such strategies will include intervention and prevention procedures and de-escalation techniques. However, these strategies may not always be effective in keeping the school environment safe.

*NOTE: The following paragraph reflects the requirements of 8 NYCRR 19.5(d).*

If the parent cannot be contacted after making reasonable attempts, the Principal will record the attempts made to contact the parent. In the case of students with disabilities, the Principal will report such attempts to the student's committee on preschool special education or committee on special education.

#### VI. Data Collection to Monitor Patterns

**NOTE:** State regulations 8 NYCRR §19.5(d)(4), (d)(5) and (d)(6) require documentation, debriefing, and review.

As required by state regulations, the district will document each incident of the use of timeout (including those used in conjunction with a BIP) and physical restraint, debrief following each incident of timeout and physical restraint, and review its documentation to monitor patterns of timeout and physical restraint.

**NOTE:** The following paragraph is optional and is suggested for districts that are interested in determining whether the use of timeout and physical restraint are being applied disproportionately, and to engage in measures designed for reduced, and more equitable, use.

**Optional:** The district will periodically examine data about the use of timeout and physical restraint. Such data will be disaggregated by school and grade level, as well as student race/ethnicity and sex/gender (and/or other relevant factors). The purpose of this examination is to determine whether the district is disproportional in its use of timeout and physical restraint, how to reduce such disproportionality, and what additional training, support and/or assistance is needed to reduce the use of such interventions.]

#### VII. Prohibited Actions

**NOTE:** This section reflects the requirements of 8 NYCRR §19.5(b)(8), (c) and (d)(8)(i). The policy must include a prohibition on the use of locked rooms and prone restraint. We have included the second paragraph to reflect other actions prohibited by state regulations.

Students may not be placed in a locked room or space in a room where the student cannot be continuously observed and supervised by school staff. Students may not be placed in a prone restraint (a physical or mechanical restraint while the student is in a face down position).

Additionally, district teachers, administrators, officers, employees, or agent may not use corporal punishment, mechanical restraint and other aversive interventions, or seclusion (which differs from timeout) against a student, as defined in state regulations. State regulations include school resource officers in the term "agent" except when a student is under arrest and handcuffs are necessary for the safety of the student and others.

#### VIII. Annual Reporting

**NOTE:** State regulations 8 NYCRR §19.5(e) require that all allegations of corporal punishment, aversive interventions, and seclusion (those that are both substantiated and unsubstantiated) be reported to SED. This annual reporting goes into effect in the 2024-2025 school year. Until then, districts are required to report to SED complaints about the use of corporal punishment only. We have suggested the paragraph below, which could be modified as appropriate for your district.

District staff must report all allegations of corporal punishment, mechanical restraint and other aversive interventions, prone physical restraint, or seclusion to the Superintendent. The Superintendent or designee will investigate the allegations, and determine whether they are substantiated or unsubstantiated, and will compile the reports annually.

The district will submit a report to the State Education Department, on a form and at a time prescribed by the Commissioner of Education, on the use of timeout and physical restraint, as well as substantiated and unsubstantiated allegations of the use of corporal punishment, mechanical restraint and other aversive interventions, prone physical restraint and seclusion.

#### IX. Public Availability and Posting of Policy

**NOTE:** State regulations 8 NYCRR §19.5(d)(8)(ii) require the following actions. If the district does not maintain a website, that part can be deleted.

This policy and accompanying administrative regulation will be made publicly available for review at the district administrative offices, at each school building, and posted on the district's website.

Ref: Education Law §4402(9)  
8 NYCRR §§19.5; 200.22

Adoption date: