



Shenendehowa

Central Schools

BOE Regulation 7350R

Students

SUBJECT: TIMEOUT AND PHYSICAL RESTRAINT

The Board of Education is committed to ensuring the health, safety and welfare of students and personnel. Maintenance of order and decorum are essential to the effective operation of the school system, lending to all students being treated with dignity and respect. Students should remain free from the unreasonable use of force. Subsequently, corporal punishment, aversive interventions, and seclusion as a means of discipline or punishment or to address student behaviors are not permitted in the Shenendehowa Central School District, except when a student is under arrest and handcuffs are necessary for the safety of the student and others.

The Board of Education also recognizes the importance of effectively meeting the various learning needs of students. Behavior modifications may be warranted and stipulated in the Individualized Education Plans (IEPs) for identified students who have proven to exhibit unsafe or inappropriate behaviors that impede learning. Unique approaches to behavior management may be employed to ensure safety and to resolve any conflicts that hamper the provision of a student's educational program.

The use of behavior intervention, as defined in the Regulations of the Commissioner of Education, is allowed only with strict adherence to the procedures outlined below and individual education program (IEP) stipulations, and on an individual case by case basis. 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.

Definitions

"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.

The use of aversive intervention is prohibited. 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.

"Corporal punishment" means any act of physical force upon a student for the purpose of punishing that student. The use of corporal punishment is prohibited. 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.

"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.

"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 utilized 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.

"Multi-tiered system of supports" 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.

"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.

"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.

"Prone restraint" means physical or mechanical restraint while the student is in the face down position. The use of prone restraint is prohibited.



"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. The use of seclusion is prohibited. Seclusion does not include timeout.

"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 behavior intervention plan;
3. A teacher removal, in-school suspension, or any other appropriate disciplinary action.

Use of Timeout

Timeout shall only be used in a situation that poses an immediate concern for the physical safety of the student or others. Staff shall return the student to their educational program as soon as the student has safely deescalated, regained control and is prepared to meet expectations.

The following rules apply to the use of timeout in the District:

1. Timeout will only be used in the following situations:
 - a. A situation that poses an immediate concern for the physical safety of the student or others; or
 - b. In conjunction with a behavior intervention plan that is designed to teach and reinforce alternative appropriate behaviors.
2. A room or physical space used for timeout may be located either within or outside of a classroom. The room or physical space will:
 - a. Be unlocked, and any door must be able to be opened from the inside. The use of locked rooms or physical spaces is prohibited.
 - b. Provide a means for continuous visual and auditory monitoring of the student. The use of a room where the student cannot be continuously observed and supervised is prohibited.
 - c. Be of adequate width, length, and height to allow the student to move about and recline comfortably.
 - d. Be clean and free of objects and fixtures that could be potentially dangerous to a student.
 - e. Meet all local fire and safety codes.
 - f. Have wall and floor coverings that, to the extent practicable, are designed to prevent injury to the student.
 - g. Have adequate lighting and ventilation.
 - h. Have a temperature that is within the normal comfort range and consistent with the rest of the building.
3. When a student is in a timeout room or space, staff will continuously monitor the student.



4. Any staff functioning as timeout monitors will be trained in accordance with law and regulation.
5. Staff will return the student to their educational program as soon as the student has safely deescalated, regained control, and is prepared to meet expectations.

Factors which may precipitate the use of timeout include:

- A situation that poses an immediate concern for the physical safety of the student or others; or
- In conjunction with a behavior intervention plan that is designed to teach and reinforce alternative appropriate behaviors, which includes, but is not limited to:
 - Specification of factors to determine the need for use of timeout, and
 - Limitations for the time to be spent in timeout.

The use of timeout will adhere to the following guidelines further detailed in training:

- Use of timeout for an individual student may not exceed the time designated on the student's behavior intervention plan or, if not so designated, may not exceed age-based duration as specified in training.
- If the student is not able to safely return to their education program after the time specified in the behavior intervention plan, the staff shall adhere to the behavior intervention plan for other behavior intervention.
- If there is not a behavior intervention plan, or if the behavior intervention plan does not specify the use of timeout, the student's parents/legal guardians may be called and arrangements made for the student's removal from school as a suspension if the student is not able to safely return to their educational program. No student shall remain in timeout after it is determined that the student has successfully deescalated and regained control.

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

1. The District will ensure that timeout is used consistent with the rules for the use of timeout listed above.
2. The student's individualized education program (IEP) will specify when a behavior intervention plan 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.
3. Prior to the initiation of a behavior intervention plan that will incorporate the use of timeout, the District will inform the student's parents/legal guardians and give them the opportunity to see the room or physical space that will be used.
4. Prior to the initiation of a behavior intervention plan that will incorporate the use of timeout, the District will give the student's parent/legal guardian a copy of this regulation and policy.

Under no circumstances shall timeout in a school program be used for seclusion of the student, where the term "seclusion" is interpreted to mean placing a student in a locked room or space or in a room where the student is not continuously observed and supervised.



School administration or other personnel shall be notified in the event a student is placed in timeout for excessive amounts of time based on age as specified in training; and such information shall be considered when determining the effectiveness of the student's behavior intervention plan and the use of timeout for the student.

Parent/legal guardian reports of alleged inappropriate interventions used in timeout should be directed to the building principal.

Use of Physical Restraint

The following rules apply to the use of physical restraint in the District:

1. The type of physical restraint used shall be the least restrictive technique necessary and be discontinued as soon as the imminent danger of serious physical harm has resolved.
2. Physical restraint shall never be used in a manner that restricts the student's ability to breathe or communicate or harms the student.
3. The use of prone restraint is prohibited.
4. Physical restraint shall not be used as a planned intervention on a student's individualized education program, Section 504 accommodation plan, behavior intervention plan, ICSP (Individual Crisis Support Plan), or other plan developed for a student by the school.
5. 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.
6. Physical restraints shall be administered only by staff who have received District-approved training, unless there is threat of imminent danger.
7. Following a physical restraint, the school nurse shall evaluate the student to determine and document if any injuries were sustained during the incident.

Staff will not use physical restraint as a substitute for systematic intervention to modify inappropriate behavior. Staff who may be called upon to physically restrain a student will be trained on safe and effective ways to do so. Physical restraint may be used in an emergency when there is an imminent risk of harm where no other approach would be effective in controlling the student's behavior. Emergency interventions must not be used as a punishment or as a substitute for systematic behavior interventions that are designed to change, replace, modify or eliminate a targeted behavior.

The use of mechanical restraints is not allowed. 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 utilized 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.

The use of physical restraint will adhere to developmentally appropriate time limitations as specified in training or as per a student's behavior intervention plan.

Documentation and Reporting

The District will maintain documentation of each incident involving the use of timeout and/or physical restraint, including timeout used in conjunction with a student's behavior intervention plan, for each student, which shall include:

1. The name and date of birth of the student;
2. The setting and location of the incident;
3. The name of the staff who participated in the implementation, monitoring and supervision of the use of timeout and/or physical restraint and any other persons involved;
4. A description of the incident including duration, and for physical restraint, the type of restraint used;
5. Whether the student has an IEP, Section 504 accommodation plan, behavior intervention plan, or other plan developed for the student by the school;
6. 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 behavior intervention plan, if applicable;
7. The details of any injuries sustained by the student or staff during the incident;
8. In the case of physical restraint, the evaluation by the school nurse or other medical personnel of the student;
9. The date and method of notification to the parent/legal guardian and whether a meeting was held; and
10. The date of the debriefing held.

Documentation of the incident will be reviewed by supervisory personnel and, as necessary, the school nurse or other medical personnel.

Documentation of each incident will be maintained by the school and made available for review by the New York State Education Department upon request.

A reporting record must be created for each instance of physical restraint or timeout, and for allegations concerning prohibited intervention types. Multiple event records during a day for a student would be created only:

1. If a new situation occurs involving the student after the prior event had de-escalated and student had returned to the learning environment; or



2. When a new restraint or intervention response type is employed during the event. For example, during an event, a staff person employed a physical restraint on a student, and the situation escalated to the point where a timeout was used. The addition of the timeout would constitute an additional event record beginning with that application.

The District will use this data collection to monitor patterns of use of timeout and physical restraint.

Records will be kept in one location in each building (psychologist, social worker, behavior specialist's office) and forwarded to the Director of Special Education for all students, who will share reports with the Office of Student Learning and Data Accountability for reporting as needed.

The District will submit reports on the use of physical restraint and timeout and substantiated and unsubstantiated allegations of use of corporal punishment, mechanical restraint and other aversive interventions, prone physical restraint, and seclusion to the New York State Education Department, on a form and at a time prescribed by the Commissioner of Education in accordance with law and regulation. Additionally, the District will report this data for students for whom they are the district of residence and who are otherwise not reported.

Notification

Parent(s)/legal guardian(s) will be notified on the same day (telephone, email, in person) when timeout and/or physical restraint is used, including timeout used in conjunction with a student's behavior intervention plan. When the student's parent/legal guardian cannot be contacted, after three additional attempts are made, the building principal or administrator will record the attempts. For students with disabilities, the building principal or administrator will report the attempts to the student's committee on preschool special education or committee on special education. The notification will offer the parent/legal guardian the opportunity to meet regarding the incident.

Additionally, the District will provide the parent/legal guardian with:

1. A copy of this policy and regulation; and
2. A copy of the documentation of the incident within three school days of the use of timeout and/or physical restraint.

Debriefing

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

1. Meet with the 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 individualized education program and/or behavior intervention plan is needed; and

2. 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 District'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, as well as the prohibited use of corporal punishment, aversive interventions, and seclusion. 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.

The Director of Special Education shall be responsible to the Superintendent for establishing administrative practices and procedures for training all District personnel responsible for carrying out the provisions of Commissioner's Regulations relating to the use of timeout and physical restraint, including members of the Committee on Special Education (CSE) and Committee on Preschool Special Education (CPSE).

Review

The building administrator or designee will regularly review documentation on the use of timeout and physical restraint to ensure compliance with the District's policy and procedures. When there are multiple incidents within the same classroom or involving the same staff, the building administrator or designee shall take appropriate steps to address the frequency and pattern of use of timeout or physical restraint.

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