

4321.12 USE OF TIME OUT ROOMS AND PHYSICAL RESTRAINTS

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 use of a time out room or physical restraint 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 Administrator of Special Education 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.

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

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. The Administration of Special 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, parents will be shown the space that will be utilized. In

addition, the parent 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.

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 shall be 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.

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, CSE chairperson, Director of Special Education, 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 Special Education and Superintendent, who will report to the Board annually.

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.

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.

Training

Training for staff on the policies and procedures related to the use of time out rooms, physical restraint, and related behavior management practices, will be provided annually or as needed.

The Administrator of Special Services will be responsible for implementation and oversight of this policy.

Ref:

[8 NYCRR 200.22](#); 200.15; 19.5

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