

USE OF TIME-OUTS, TIME OUT ROOMS, AND PHYSICAL RESTRAINTS

The Board of Education recognizes its responsibility for ensuring the safety of all students in school buildings, on school grounds, and/or when participating in school activities. The Board further recognizes that students sometimes exhibit inappropriate behaviors that impede learning, interfere with the orderly exercise and performance of school functions, and/or pose an imminent danger to the safety of students and/or staff. In a limited number of cases, the use of seclusion, a time out room, and/or physical restraint may be necessary to address such inappropriate student behavior. The Board acknowledges that the United States Department of Education has indicated there is no evidence that using restraint or seclusion is effective in reducing the occurrence of problem behaviors and therefore these behavior management techniques should be avoided to the greatest extent possible without endangering the safety of students and staff. Therefore, the District will strive to avoid the use of these techniques in most instances and will strictly adhere to federal and state statute and regulation when such techniques are necessary.

The Superintendent of Schools and/or designee is responsible for the implementation and oversight of this policy. Such implementation and oversight shall include the development and implementation of any regulations, procedures, and/or protocols necessary to implement and maintain this policy and/or to comply with federal and state statute and regulation. The Superintendent and/or designee shall also be responsible for monitoring the effectiveness of the use of time out rooms and physical restraints within the District.

Time-Outs and Time Out Rooms

The term time-out refers to a behavioral technique wherein a student's access to the reinforcement that may be maintaining the undesirable or challenging behaviors is removed. When used in conjunction with a behavioral intervention plan (BIP), a time-out removes a student from current classroom activity to facilitate self-control, or remove him/her from a potentially dangerous situation, thereby preparing student for resumption of classroom activities. A time-out does not always require removal of a student to an isolated or secluded setting. Generally, it is agreed that time-outs belong to a continuum of strategies and there are three main types of time-outs: non-exclusionary/inclusionary, exclusionary, and seclusionary/isolation.

For time-outs to be effective, the appropriate staff must:

1. inform parents that time-outs are employed in the setting and the associated process in which they are used;
2. identify the specific maladaptive behavior the time-out is targeting;
3. define where the time-out will occur, bearing in mind the least restrictive environment;
4. determine the appropriate duration of the time-out, keeping in mind that best practices indicate time-outs should be brief (1 – 5 minutes) per occurrence depending on the developmental age of the student;
5. calmly provide the student a warning when approaching behavior that will result in a time-out;
6. ensure the student is observed/monitored/supervised throughout the entire time-out interval;

7. not release the student for additional misbehavior occurring during the time-out interval, so as not to “reward” such misbehavior, thereby reinforcing it; and
8. confer with the Pupil Support Team (PST) on data collection to monitor the effectiveness of time-out use, relative to extinguishing the maladaptive behavior, and on the feedback to provide to parents.

Staff must always use the least restrictive time-out technique necessary to address a student’s inappropriate behavior. The three types of time-outs, from least to most restrictive, can be defined as follows:

1. Non-exclusionary/Inclusionary: In a non-exclusionary or inclusionary time-out, the student remains in the classroom or instructional setting/activity and is allowed to observe, but not actively participate in the ongoing activity of the class.
2. Exclusionary: In an exclusionary time-out, the student is removed from the instructional activity, but not from the room or area of activity; the student is allowed a measure of supervised participation.
3. Seclusionary/Isolation: A seclusionary or isolation time-out typically entails placing the student in a different area such as another room (a time out room) for a specified amount of time.

A time out room is an area for a student to safely deescalate, regain control, and prepare to meet expectations to return to his/her/their educational program. When used appropriately, as provided for in federal and state law and regulation, a time out room may be useful to help facilitate a student’s self-control or remove a student from a potentially dangerous situation. The location, size, and access to the time out room must be in conformance with applicable laws and regulations and staff must monitor and/or supervise the time-out room at all times during a student’s time-out. Examples of a time out room may include, but are not limited to, a Calming Room or Sensory Path. Time out rooms shall not be used as a punishment, but rather this behavior modification technique should be used to assist the student and help facilitate appropriate behavior. Should the student’s undesirable behavior persist following the use of a time out room, the Pupil Support Team (PST) should (re)convene to recommend: conducting a Functional Behavioral Assessment to develop, if warranted, a BIP; implementing changes to the student’s BIP; developing a Safety Plan; and/or proposing an initial recommendation to the Committee on Special Education or a recommendation for a Program Review.

Except when necessary in unanticipated situations that pose an immediate concern for the physical safety of a student or others, a time out room shall only be used in conjunction with a BIP designed to teach and reinforce alternative, appropriate replacement behavior(s). Prior to the initiation of a BIP that will incorporate the use of a time out room, the assigned school psychologist or social worker will inform the student’s parent(s)/guardian(s)/person(s) in parental relation. Upon request, the parent(s)/guardian(s)/person(s) in parental relation shall be shown the space that will be utilized as a time out room. In addition, the building principal or designee will provide the parent(s)/guardian(s)/person(s) in parental relation a copy of this policy and any associated regulations, procedures, and/or protocols.

Physical Restraint

For the purposes of this policy, physical restraint shall be defined as a personal restriction that immobilizes or reduces the ability of a student to move his/her/their torso, arms, legs, or head freely. Physical restraint also includes the use of any device or equipment to restrict a student's freedom of movement. This term shall not include devices implemented by trained school personnel, or utilized by a student, which have been prescribed by appropriate medical or related services professional, are used for the specific and approved purposes for which such devices were designed, and are documented in the student's Individualized Education Plan (IEP) or 504 Plan. Generally, the use of physical restraint and/or force against a student is strictly prohibited and such use of force may be deemed child abuse in an educational setting. However, in accordance with §19.5 of the Regulations of the Commissioner of Education, in situations in which alternative procedures and methods not involving the use of physical force cannot reasonably be employed, the use of reasonable physical force may be permitted to:

1. protect oneself from physical injury;
2. protect another pupil or teacher or any person from physical injury;
3. protect the property of the school, the school district, or others; or
4. restrain or remove a pupil 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 use of physical restraint and/or force shall be permitted only as an emergency intervention in such situations as enumerated above when immediate intervention is necessary and no other approach would be effective in controlling the student's behavior. Staff shall not use physical restraint and/or force as a punishment or as a substitute for systematic behavioral interventions designed to change, replace, modify, or eliminate inappropriate behavior.

The District shall document the use of emergency interventions/physical restraint for each student. The documentation shall include the student's name and date of birth, the setting and location of the incident, the staff members involved, any other students or persons involved, a description of the incident and the intervention used, the duration of the incident, a list of the non-physical interventions attempted, a statement as to whether the student has a current BIP, and details of any injuries sustained by either the student or others as a result of the incident. The building principal shall be responsible for ensuring proper documentation is completed and maintained for each use of emergency intervention/physical restraint. Through the PST process, the building principal and, as necessary, the school nurse or other medical personnel shall review documentation of emergency interventions. The building principal or designee shall notify the student's parent(s)/guardian(s)/person(s) in parental relation of each incident of emergency intervention and shall send a copy of the documentation to the Superintendent and the Director of Pupil Support Services and/or their designees.

Prohibition on the Use of Aversive Behavioral Interventions

The Board of Education hereby prohibits the use of all aversive behavioral interventions within the District. As defined in §19.5 of the Regulations of the Commissioner of Education, an aversive behavioral intervention is an intervention that is intended to induce pain or discomfort to a student for the purpose of eliminating or reducing maladaptive behaviors. Such interventions include:

1. contingent application of noxious, painful, intrusive stimuli or activities; strangling, shoving, deep muscle squeezes, or other similar stimuli;
2. any form of noxious, painful, or intrusive spray, inhalant, or tastes;
3. 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;
4. movement limitation used as a punishment, including, but not limited to, helmets and mechanical restraint devices; or
5. other stimuli or actions similar to the interventions described above.

Aversive behavioral interventions do not include such interventions as:

1. voice control, limited to loud, firm commands
2. time-limited ignoring of a specific behavior
3. token fines as part of a token economy system/Positive Behavior Interventions and Supports (PBIS) framework
4. brief physical prompts to interrupt or prevent a specific behavior
5. interventions medically necessary for the treatment or protection of the student; or
6. other similar interventions.

Training

The Board recognizes the District's responsibility to train staff who may be required to implement the use of time out rooms, physical restraints, and/or related behavior management practices on the proper use of such techniques. Such training shall take place annually or as needed and include information on the appropriate, safe, and effective implementation of these techniques as well as the Districts policies, regulations, procedures, and/or protocols related to their use.

The Superintendent of Schools and/or designee shall be responsible for ensuring the District provides training to the appropriate and necessary staff.

Cross-ref: 4321.12 R, Use of Time Out Rooms Regulation
5300, Code of Conduct
9620, Child Abuse in an Educational Setting

Ref: 8 NYCRR §§19.5; 100.2(l); 200.15; 200.22 U.S. Department of Education, *Restraint and Seclusion: Resource Document*, Washington, D.C., 2012

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