

LEVITTOWN UNION FREE SCHOOL DISTRICT Policy 7350

PROHIBITION OF CORPORAL PUNISHMENT, AVERSIVE INTERVENTIONS, AND SECLUSION AND THE LIMITED USE OF TIMEOUT AND PHYSICAL RESTRAINT

This policy applies to all students, regardless of whether they are a student with a disability. The purpose of this policy is to prohibit the use of corporal punishment, aversive interventions and seclusion and to allow the limited use of timeout and physical restraints in accordance with applicable law and regulations.

PROHIBITION OF THE USE OF CORPORAL PUNISHMENT, AVERSIVE INTERVENTIONS, AND SECLUSION:

School District teachers, administrators, officers, employees and agents (the term “agent” includes, but is not limited to, school resource officers, except when a student is under arrest and handcuffs are necessary for the safety of the student and others) are prohibited from using the following against a student:

1. **Corporal Punishment**. “Corporal punishment” means any act of physical force upon a student for the purpose of punishing that student. The term does not include the use of physical restraints, as defined below, 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.
2. **Aversive Interventions**. “Aversive intervention” means an intervention that is intended to induce pain or discomfort for the purpose of eliminating or reducing student behavior, including such interventions as:
 - A. contingent application of noxious, painful, intrusive stimuli or activities; strangling, shoving, deep muscle squeezes or other similar stimuli;
 - B. any form of noxious, painful or intrusive spray, inhalant or tastes;
 - C. 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;
 - D. movement limitation used as a punishment, including but not limited to helmets and mechanical restraints, as that term is defined below; or
 - E. other stimuli or actions similar to the interventions described above. The term does not include such interventions 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.

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3. Seclusion. “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. Seclusion does not include timeout, as that term is defined below.

“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:

- A. 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;
- B. vehicle safety restraints when used as intended during the transport of a student in a moving vehicle;
- C. restraints for medical immobilization; or
- D. orthopedically prescribed devices that permit a student to participate in activities without risk of harm.

AUTHORIZED LIMITED USE OF TIMEOUT AND PHYSICAL RESTRAINT:

Positive, proactive, evidence- and research-based strategies through a multi-tiered system of supports must be used to reduce the occurrence of challenging behaviors, eliminate the need for the use of timeout and physical restraint, and improve school climate and the safety of all students.

A “multi-tiered system of supports” is 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.

Timeout and physical restraint may only be used in the following circumstances:

1. other less restrictive and intrusive interventions and de-escalation techniques would not prevent imminent danger of serious physical harm to the student or others;
2. there is no known medical contraindication to its use on the student; and
3. school staff using such interventions have been trained in the safe and appropriate application in accordance with the requirements set forth below.

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Timeout and physical restraints will 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.

“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 in accordance with the below. The term 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 (BIP); or
- 3.a teacher removal, in-school suspension; or any other appropriate disciplinary action.

“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 (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) or brief physical contact; a redirection to promote student safety or to calm or comfort a student; a prompt or guide for a student when teaching a skill or when assisting a student in completing a task; or for other similar 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.

1. Use of Timeout

A time out room will only be used:

- A. To remove a student during a situation that poses an immediate concern for the physical safety of the student or others; or
- B. in conjunction with and consistent with the student’s behavioral intervention plan (BIP), which is designed to teach and reinforce alternative appropriate behaviors.

Time out rooms will be used in accordance with the following:

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- A. Each school building will ensure that timeout is used consistent with the requirements of this policy and applicable law and regulations.
- B. A student's individualized education program (IEP) will specify when a behavioral intervention plan (BIP) 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.
- C. The School District will inform the student's parents prior to the initiation of a behavioral intervention plan (BIP) that will incorporate the use of timeout and will give the parent the opportunity to see the room or physical space that will be used and will provide the parent with a copy of this policy.
- D. Staff will return the student to their educational program as soon as the student has safely de-escalated, regained control and is prepared to meet expectations. Students will not be placed within a timeout room or space for longer than 20 minutes or for longer than any other developmentally appropriate maximum period of time that is established in writing by the student's school building or within the student's behavioral intervention plan (BIP).

The factors that will trigger the use of timeout can vary from student to 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. These students may be unable to control (or exhibit difficulty controlling) their actions or emotions, feel overwhelmed or overstimulated, exhibit violent actions, and/or pose a danger to themselves or others. These students generally would not have responded favorably to initial intervention and de-escalation actions by staff and positive, proactive intervention strategies used by staff would be unsuccessful.

A room or physical space used for purposes of timeout may be located within a classroom or outside of the classroom and will comply with the following requirements:

- A. The room or physical space will:
 - 1. be unlocked, and any door must be able to be opened from the inside. The use of locked rooms or physical spaces is prohibited.
 - 2. provide a means for continuous visual and auditory monitoring of the student;
 - 3. be of adequate width, length and height to allow the student to move about and recline comfortably;
 - 4. be clean and free of objects and fixtures that could be potentially dangerous to a student; and
 - 5. meet all local fire and safety codes.

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- B. Wall and floor coverings will, to the extent practicable, be designed to prevent injury to the student and there will be adequate lighting and ventilation.
- C. The temperature of the room or physical space will be within the normal comfort range and consistent with the rest of the building.

Staff will continuously monitor the student in a timeout room or space. A student may not be placed in a locked room or space or in a room where the student cannot be continuously observed and supervised.

2. Use of Physical Restraint

Physical restraint will only be used in a situation in which immediate intervention involving the use of reasonable physical force is necessary to prevent imminent danger of serious physical harm to the student or others. Physical restraint may only be used in accordance with the relevant law and regulation and the following requirements:

- A. The type of physical restraint used will be the least restrictive technique necessary.
- B. The student will remain in physical restraint only while the imminent danger of serious physical harm to the student or others persists. Under no circumstances will physical restraints be used for longer than 15 minutes or for longer than any other developmentally appropriate maximum period of time that is established in writing by the student's school building or within the student's behavioral intervention plan (BIP).
- C. Physical restraint will never be used in a manner that restricts the student's ability to breathe or communicate or that harms the student.
- D. The use of a physical or mechanical restraint while the student is in the face down position ("prone restraint") is prohibited.
- E. Physical restraint will not be used as a planned intervention on a student's individualized education program (IEP), Section 504 accommodation plan, BIP, or other plan developed for a student by the School District.
- F. 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.
- G. Physical restraints will be administered only by staff who have received training in accordance with the requirements set forth below.
- H. 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.

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- I. Physical restraint will not be used as a punishment or as a substitute for systematic behavioral interventions that are designed to change, replace, modify or eliminate a targeted behavior.
- J. Physical restraint will not be used as a planned intervention on a student's individualized education program (IEP) or behavioral intervention plan (BIP).

The factors that will trigger the use of physical restraint can vary from student to 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. These students may be unable to control (or exhibit difficulty controlling) their actions or emotions, feel overwhelmed or overstimulated, exhibit violent actions and/or pose an imminent danger of serious physical harm to themselves or others.

3. **Parental Notification**

School District personnel will notify the parent or person in parental relation of a student with a disability on the same day that:

- A. a physical restraint or mechanical restraint is applied on the student; or
- B. the student is placed in a time out room (which may only be used in accordance with School District policies and procedures), including timeout used in conjunction with a student's behavior intervention plan (BIP).

If the student's parent or person in parental relation cannot be contacted after reasonable attempts are made, the principal or building administrator will record those attempts. For students with a disability, the principal or building administrator will record and then report those attempts to the committee on special education (CSE) in writing. This notification will offer the parent or person in parental relation the opportunity to meet regarding the incident.

The School District will provide the parent or person in parental relation with a copy of the documentation of the incident within three school days of the use of timeout or a physical restraint.

4. **Documentation**

The School District will maintain documentation of each incident involving the use of timeout (including timeout used in conjunction with a student's BIP) and the use of physical restraint. This documentation must include the following:

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- A. the name and date of birth of the student;
- B. the setting and location of the incident;
- C. the name of the staff member(s) who participated in the implementation, monitoring and supervision of the use of timeout and/or physical restraint and any other persons involved;
- D. a description of the incident including duration, and for physical restraint, the type of restraint used;
- E. whether the student has an individualized education program (IEP), Section 504 accommodation plan, behavioral intervention plan (BIP), or other plan developed for the student;
- F. 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 behavioral intervention plan (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 notification to the parent or person in parental relation pursuant to the above-described requirement and whether a meeting was held; and
- I. the date of the debriefing held consistent with the requirements set forth below.

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 District and made available for review by the NYS Education Department upon request.

5. **Debriefing**

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

- A. meet with the school staff who participated in the use of timeout and/or physical restraint to discuss:
 1. the circumstances leading to the use of timeout and/or physical restraint;
 2. the positive, proactive intervention strategies that were utilized prior to the use of timeout and/or physical restraint; and
 3. 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

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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 (IEP) and/or behavioral intervention plan (BIP) is needed; and

- 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.

6. **Review of Documentation**

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

7. **Staff Training**

All staff will receive annual training on: (a) the School District's policies and procedures related to the use of timeout and physical restraint; (b) evidence-based positive, proactive strategies; and (c) crisis intervention and prevention procedures and de-escalation techniques.

In addition, any staff who may be called upon to implement timeout or physical restraint, including staff serving as timeout monitors, will receive annual, evidence-based training in safe and effective developmentally appropriate timeout and physical restraint procedures.

8. **Publication**

This policy will be made publicly available for review at the School District's administrative offices and within each school building. This policy will also be posted on the School District's website.

9. **Annual Reporting**

Beginning with the 2024-2025 school year, State regulations require the School District to submit an annual report on the use of physical restraint and timeout and substantiated and unsubstantiated allegations of the use of corporal punishment, mechanical restraint and other aversive interventions, prone physical restraint, and seclusion to the NYS Education Department,

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on a form and at a time prescribed by the Commissioner of Education in accordance with 8 NYCRR 100.2(bb)(2).

Adopted: July 5, 2022

Re-Adopted: August 7, 2024