

<h1 style="margin: 0;">POLICY</h1>	<div style="margin-bottom: 10px;">5480</div> <div> <b>Adopted:</b>            April 9, 2013  <b>2nd Reading:</b>      April 8, 2025 </div> <div style="margin-top: 10px;"><b>Student Policies</b></div>
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**SUBJECT: USE OF TIMEOUT**

The Board believes that the safety of students is of paramount importance to the Greater Southern Tier BOCES and the community it serves. **Therefore, no BOCES teacher, administrator, officer, employee or agent shall use seclusion against a student.**

**However,** the Board authorizes the use of “timeout rooms” as a resource for the safety of students and staff in accordance with the Regulations of the Commissioner of Education. A “timeout room” is an area for a student to safely deescalate, regain control and prepare to meet expectations to return to his or her education program.

~~The Board delegates to the District Superintendent the authority to promulgate regulations consistent with this Policy and such regulations.~~

**[The remainder of this policy is all newly added language]**

*Definitions*

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.

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.

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 the term “timeout” as defined below.

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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 deescalating, regaining control, and preparing the student to meet expectations to return to their education program. The term “timeout” shall not include:

- (1) a student-initiated or student-requested break;
- (2) use of a room or space containing tools or activities to assist a student to calm, or the use of such intervention strategies consistent with a student with a disability’s behavioral intervention plan; or
- (3) a teacher removal, in-school suspension; or any other appropriate disciplinary action.

*Authorized limited use of timeout*

Positive, proactive, evidence- and research-based strategies through a multi-tiered system of supports shall be used to reduce the occurrence of challenging behaviors, eliminate the need for the use of timeout, and improve school climate and the safety of all students. Timeout may be used only when: other less restrictive and intrusive interventions and de-escalation techniques would not prevent imminent danger of serious physical harm to the student or others; there is no known medical contraindication to its use on the student; and school staff using such intervention has been trained in its safe and appropriate application in accordance with this policy. Timeout 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.

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.

*Individualized Education Programs/Behavioral Intervention Plans*

Except for situations that pose an immediate concern for the physical safety of a student or others, the use of timeout shall be used in conjunction with a behavioral intervention plan that is designed to teach and reinforce alternative appropriate behaviors. The behavioral intervention plan that includes the use of timeout for a student with a disability shall specify the maximum amount of time a student may be in timeout as a behavioral consequence as determined on an individual basis in consideration of the student’s age and individual needs.

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The BOCES will give parents of and persons in parental relation to students the opportunity to see the physical space that will be used as a time out room and provide such individuals with a copy of this policy.

### *Use of Timeout Procedures*

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

- (1) The room or physical space shall:
  - (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;
  - (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) have adequate lighting and ventilation; and
  - (f) meet all local fire and safety codes.
- (2) Wall and floor coverings shall, to the extent practicable, be designed to prevent injury to the student and there shall be adequate lighting and ventilation.
- (3) The temperature of the room or physical space shall be within the normal comfort range and consistent with the rest of the building.
- (4) No student will be placed in timeout for a period of time that is developmentally inappropriate for such student.

Staff shall continuously monitor a student in a timeout room or space. Staff functioning as timeout monitors shall be trained in this role and on this policy.

### *Factors in the Use of Timeout*

The following factors are to be considered in determining whether timeout may be used when authorized by a behavioral intervention plan or in a potentially dangerous situation in unanticipated situations that pose an immediate concern for the physical safety of a student or others:

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- (1) The student should be offered a verbal opportunity to control their behaviors.
- (2) Staff must employ proactive verbal de-escalation techniques in accordance with Therapeutic Crisis Intervention (TCI) techniques.
- (3) If the student does control their behaviors, they should be allowed to remain in the classroom (if appropriate) or they may be placed in another appropriate setting outside the classroom.
- (4) If the student is not able to control his/her physical behaviors and continues to be out of control, staff must remove all environmental stimuli factors. If the student is still not able to control such behaviors:
  - (a) The staff member responsible for such student must call the program principal or his/her designee.
  - (b) The responsible staff member(s) must perform a physical restraint, if necessary, in accordance with TCI techniques. If such a restraint is performed, the student will be examined by a nurse.
  - (c) A two-person escort should be used to transport the student to the timeout location once s/he has a decrease in physical and emotional energy.
- (5) Once the student arrives at the timeout location, s/he will be notified that they need to have their behaviors in control. The student will be given an appropriate amount of time to regain composure. Verbal intervention will be limited to responses to a student question.
- (6) If the student regains composure, s/he will be removed from the timeout location and returned to his/her classroom or another appropriate location.
- (7) The staff members who manage such location shall assess whether the student needs the use of timeout to safely deescalate, regain control, and prepare to meet expectations to return to program.
- (8) If such staff determine that the use of a timeout room is necessary, the student will be placed in the timeout room. The door to the room will remain open if the student is safely deescalating. If not, the door will be gently closed. The program principal or designee will be informed regarding the use of the timeout room for the student.
- (9) When a student is placed in a timeout room, a notation must be completed contemporaneously in the student's individual log noting the date, time the student enters and exits the timeout room, the name of the staff member supervising the timeout room, the student's behaviors, and the factors precipitating the disruptive event.
- (10) After a student has deescalated and exited a timeout room, a post-intervention debriefing will be held, as soon as practicable, and after every incident in which timeout is used on a student. The principal or designee shall:

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- (a) meet with the school staff who participated in the use of timeout to discuss:
    - (i) the circumstances leading to the use of timeout;
    - (ii) the positive, proactive intervention strategies that were utilized prior to the use of timeout; and
    - (iii) planning for the prevention and reduction of the future need for timeout 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 behavioral intervention plan 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.
- (11) If a student is unable to control themselves after the use of the timeout room, the program principal will make a determination to contact the family to pick up the student or report a mental health situation to the police or emergency medical support. In the event a student is removed to a local medical facility, a staff member will remain with the student until the family arrives.
- (12) The program principal or designee will notify the parent or person in parental relation on the same day when a student is placed in timeout. When the student's parent or person in parental relation cannot be contacted, after reasonable attempts are made, the principal or assistant principal shall record such attempts. For students with disabilities, the principal or assistant principal shall report such attempts to the student's committee on special education. Such notification shall offer the parent or person in parental relation the opportunity to meet regarding the incident and provide such individual a copy of the documentation of the incident within three (3) school days of the use of timeout.
- (13) Staff shall document each incident involving the use of timeout, including timeout used in conjunction with a student's behavioral intervention plan, on each student, which shall include:
- (a) the name and date of birth of the student;
  - (b) the setting and location of the incident;
  - (c) the name of the staff who participated in the implementation, monitoring and supervision of the use of timeout and any other persons involved;

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- (d) a description of the incident including duration;
  - (e) whether the student has an individualized education program, Section 504 accommodation plan, behavioral intervention plan, or other plan developed for the student;
  - (f) a list of all positive, proactive intervention strategies utilized prior to the use of timeout; and for students with disabilities, whether those strategies were consistent with a student's behavioral intervention plan, 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 and whether a meeting was held; and
  - (i) the date of the debriefing was held.
- (14) Documentation of the incident shall be reviewed by supervisory personnel and, as necessary, the school nurse or other medical personnel. Documentation of each incident shall be maintained by the BOCES and made available for review by the New York State Education Department upon request.

*Requirements for Programs with Timeout Room Resources*

Any BOCES program that has a timeout room available for use with the students in that program shall:

- (1) provide annual training to staff on this policy, evidence-based positive, proactive strategies, safe and effective developmentally appropriate timeout procedures, crisis intervention and prevention procedures and de-escalation techniques;
- (2) provide annual notification to the parents of or the persons in parental relation to students that timeout rooms may be used in that program; and
- (3) collect data to monitor the effectiveness of the use of timeout rooms. Such program shall establish and implement procedures to document the use of the timeout room, including information to monitor the effectiveness of the use of the time out room to decrease specified behaviors.

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

Reference: Commissioner's Regulations §§ 19.5 and 200.22(c)

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## **SUBJECT: USE OF PHYSICAL RESTRAINTS IN SCHOOL**

The BOCES Board of Education believes that the safety of students is of paramount concern. ~~To ensure the safety of students and staff, the Board hereby adopts the following standards for the use of physical restraints of students:~~

### *Definitions*

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.

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.

### *Authorized limited use of physical restraint*

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

#### **Physical restraint shall:**

- (1) never be used in a manner that restricts the student's ability to breathe or communicate or harms the student; and
- (2) not be used as a planned intervention on a student's individualized education program, Section 504 accommodation plan, behavioral intervention plan, or other plan developed for a student by a school district.

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This policy shall be provided to the parent or person in parental relation of students with disabilities in BOCES' programs.

To ensure the safety of students and staff, the Board hereby adopts the following standards for the use of physical restraints of students:

1. ~~Physical restraints to contain and/or control the behavior of students should only be used to ensure safety and protection. Except where otherwise specified as part of an approved individual crisis management plan or emergency intervention plan, physical restraints should only be employed as a safety response to acute physical behavior and their use is restricted to the following circumstance: The student, other students, staff members or others are at imminent risk of physical harm.~~ Physical restraints may only be used in situations 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 restraints may 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.
2. ~~Parents or persons in parental relation will be informed that physical restraint~~ intervention may be used if student demonstrates imminent danger to himself or others. ~~in situations 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.~~
3. Physical intervention should never increase (or create more) risk than the behavior it is trying to contain. As any physical restraint involves some risk of injury to the student or staff, staff must weigh this risk against the risks involved in failing to physically intervene when it may be warranted.
4. Physical restraints must never be used as ~~(1) punishment, (2) consequences, (3) "demonstrating who is in charge", or (4) classroom maintenance~~ (1) discipline or punishment, (2) retaliation, (3) a substitute for positive, proactive intervention strategies that are designed to change, replace, modify, or eliminate a targeted behavior, (4) consequences for maladaptive behavior, (5) "demonstrating who is in charge", or (6) classroom maintenance (such as enforcing compliance with directions or rules or for preventing the student from leaving the classroom). Additionally, restraints must not be used for the convenience of staff, as a substitute for an educational program, as a substitute for less restrictive alternatives, or as a substitute for adequate staffing patterns.



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5. ~~Physical restraints should only be employed after other less intrusive approaches (such as behavior support techniques or verbal interventions) have been attempted unsuccessfully, or where such alternative approaches cannot be reasonably employed, whether due to insufficient time or otherwise.~~ Physical restraints may be used only when: other less restrictive and intrusive interventions and de-escalation techniques would not prevent imminent danger of serious physical harm to the student or others; there is no known medical contraindication to its use on the student; and school staff using such interventions have been trained in its safe and appropriate application.
6. ~~Physical restraints must only be employed for the minimum time necessary. They must cease when the student is judged to be safe and no longer at risk of self injury or harming others.~~ 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. The use of prone restraint is prohibited. The length of the physical restraint will be developmentally appropriate based on the student's age, grade and functional capability.
7. Physical restraints may only be undertaken by staff who have successfully completed a comprehensive crisis management course that covers: (1) crisis definition and theory, (2) ~~the use of de-escalation techniques,~~ evidence-based positive, proactive strategies, crisis intervention and prevention procedures and de-escalation techniques, (3) crisis communication, (4) anger management, (5) evidence-based training in safe and effective developmentally appropriate physical restraint techniques and procedures, (6) the legal, ethical, and policy aspects of their use, (7) decision-making related to physical restraints, (8) debriefing strategies, (9) signs of distress and effect on the student and how to monitor, (10) identification of events and environment factors that may trigger an emergency safety situation, (11) instruction on the Board of Education's policy on physical restraints, (12) the effects of restraint on ALL students, and (13) the needs and behaviors of the population being served. They must also have demonstrated competency in performing the intervention techniques, which is measured and documented according to relevant professional and/or state regulatory guidelines and the guidelines of the crisis management course.
8. All staff involved in an incident of physical restraint must have successfully completed the comprehensive crisis management training program, been assessed as competent in the use of physical restraints, and have successfully completed a skills review within ~~each school year~~ the previous calendar year. All staff assigned to ~~working with students with disabilities~~ special education programs and all teacher aides will successfully complete the comprehensive crisis management training program. Staff members who are unable to complete such training during the required time period may be unable to continue their employment with BOCES. This policy will be reviewed with all staff during orientation at the beginning of each school year and immediately with any newly hired staff. Untrained staff may not restrain students.

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9. ~~Where possible, staff members must consult with peers and supervisors prior to initiating any physical restraint.~~ Only physical restraint skills and decision-making processes that are taught in the comprehensive crisis management course and approved by the BOCES may be used. The use of prone restraint is prohibited. All techniques (including decision-making processes) must be applied according to the guidelines provided in the training and in this policy.
10. Where possible, staff members must consult with peers and supervisors prior to initiating any physical restraint.
11. Two or more staff members should be involved in any physical restraint to help ensure safety and accountability. A nurse or medically trained person should be in attendance during any physical restraint to observe and monitor the student and staff for physical indicators of distress.
12. Students may not be permitted to restrain or to assist in the restraint of other students.
13. Following any incident involving physical restraint, the special education program must ensure that ~~a follow-up evaluation of the student by a nurse~~ post-incident medical occurs. The school nurse or other medical personnel shall evaluate the student to determine and document if any injuries were sustained during the incident. ~~It must also~~ Staff will ensure that a follow-up evaluation, debriefing and support is offered to the student, the staff members, and any other people involved in or witnessing the episode. Staff members ~~should~~ will provide the student with an explanation for the intervention and offer the student an opportunity to express his or her views on what transpired.

As soon as practicable, after every incident in which a physical restraint is used on a student, the principal or designee shall:

- (a) meet with the school staff who participated in the use of the physical restraint to discuss:
  - (i) the circumstances leading to the use of timeout and/or physical restraint;
  - (ii) the positive, proactive intervention strategies that were used prior to the use of the physical restraint; and

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(iii) planning for the prevention and reduction of the future need for 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 behavioral intervention plan 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.

14. Any initial use of physical restraint on a student must be reported to the principal responsible for the program in which such student attends and an individual crisis management plan or emergency intervention plan may be developed and implemented by the concerned parties, including making informed decision-making with parents and/or guardian. The use of restraints should be discussed with the student and under what circumstances restraint would be used and what kind. The plan should cover the use of positive and less intrusive intervention techniques and specify the circumstances under which physical restraint may or may not be an appropriate response in the future.
15. All incidents of physical intervention must be recorded on incident report forms that reflect the stated policy and include (at least) details of the incident, the people involved, the preventive strategies that were employed, actual techniques used, any injuries sustained by the student or staff, and debriefing that was provided for the student. Principals must review all such reports and appropriate action should be taken (for example, counseling for the student and/or staff members, critical incident review, skills update, notification to external authorizes). ~~A student's parent or person in parental relation must be notified of any incident involving physical intervention. The data collection system should be used for a data-driven decision making process that concentrates on adjusting the system to support the student.~~ The principal or assistant principal shall ensure same day notification to a student's parent or person in parental relation of any incident involving the use of a physical restraint.

When the student's parent or person in parental relation cannot be contacted, after reasonable attempts are made, the principal or assistant principal shall record such attempts. For students with disabilities, the principal or assistant principal shall report such attempts to the student's committee on special education. Such notification shall offer the parent the opportunity to meet regarding the incident and provide the parent or person in parental relation to the student a copy of the documentation of the incident within three (3) school days of the use of a physical restraint. The data collection system should be used for a data-driven decision making process that concentrates on adjusting the system to support the student.

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16. If any injuries to a student result from the use of a physical restraint, the details must be reported to the principal responsible for the program in which such student attends and the Superintendent or his/her designee. A formal review of the incident and the individual crisis management and/or the behavior intervention plan must be conducted.
17. Staff shall document each incident involving the use of physical restraint on each student, which shall include:
  - (a) the name and date of birth of the student;
  - (b) the setting and location of the incident;
  - (c) the name of the staff who participated in the implementation, monitoring and supervision of the use of physical restraint and and other persons involved;
  - (d) a description of the incident including duration of and the type of physical restraint, used;
  - (e) whether the student has an individualized education program, Section 504 accommodation plan, behavioral intervention plan, or other plan developed for the student;
  - (f) a list of all positive, proactive intervention strategies utilized prior to the use of physical restraint; and for students with disabilities, whether those strategies were consistent with a student's behavioral intervention plan, 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 and whether a meeting was held; and
  - (i) the date of the debriefing.

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

Documentation of each incident shall be maintained by the school and made available for review by the New York State Education Department upon request. The principal or designee shall regularly review documentation on the use of physical restraint to ensure compliance with BOCES' policy and procedures. When there are multiple incidents within the same classroom or involving the same staff, the principal or designee shall take appropriate steps to address the frequency and pattern of use.