

5520 USE OF PHYSICAL RESTRAINT

Purpose and Definitions:

The health and safety of our students is a primary concern. State regulations expressly prohibit the use of corporal punishment¹, aversive interventions² and seclusion³ as a consequence, punishment, a means of retaliation, coercion, or to exercise dominance over a student by physical means.

The District prohibits the use of corporal punishment, aversive interventions and seclusion, and only permits the limited use of physical restraint or timeout⁴ as authorized by State regulations and guidance. Prone⁵ restraint is expressly prohibited.

Positive, proactive, and 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 of use of timeout and physical restraint, and improved school climate and the safety of all students.

Limited Authorized Use of Physical Restraints

The use of physical restraint is authorized in very limited cases and only where it is determined that an emergency exists to such an extent that physical restraint is necessary to:

¹ Corporal punishment means any act of physical force upon a student for the purpose of punishing that student. This term does not include the use of physical restraints as defined in paragraph (7) of this subdivision, 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. 8 NYCRR 19.5(b)(2).

² 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: contingent application of noxious, painful, intrusive stimuli or activities; strangling, shoving, deep muscle squeezes or other similar stimuli; any form of noxious, painful or intrusive spray, inhalant or tastes; 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; movement limitation used as a punishment, including but not limited to helmets and mechanical restraints (designed to restrict a student's freedom of movement, not including devices implemented by trained school personnel or used by a student that have been prescribed by an appropriate medical or related service professional and are used for the specific purposes for which such devices were designed); or other stimuli or actions similar to interventions described in this paragraph. The term shall 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. 8 NYCRR 19.5(b)(1).

³ Seclusion means the involuntary confinement of a student alone in a room or space that they are physically prevented from leaving or that they may perceive they cannot leave at will. Seclusion does not include timeout as defined in this section. 8 NYCRR 19.5(b)(10).

⁴ 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 does not include a student-initiated or student requested break, use of a room or space containing tools or activities to assist a student to calm, or the use of intervention strategies consistent with a student with a disability's behavioral intervention plan; or teacher removal, in-school suspension; or any other appropriate disciplinary action. 8 NYCRR 19.5(11).

⁵ Prone restraint means physical or mechanical restraint while the student is in a face down position. 8 NYCRR 19.5(b)(8).

- Protect the student from imminent risk of physical injury;
- Protect another student, teacher, or other person from imminent risk of physical injury;

A physical restraint may only be used in situations in which immediate intervention involving the use of reasonable force is necessary to prevent imminent danger of serious physical harm to the student or 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.

- Physical Restraint shall never be used in a manner that restricts the student's ability to breathe or communicate or harms the student
- The use of prone restraint is prohibited
- Physical restraint shall 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 by the school.
- 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.
- Physical restraint 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.

Use of Physical Restraint:

Physical restraint may only be used only after other less 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.

Less intrusive approaches include, but are not limited to, the use of de-escalation diversions, verbal interventions, limited-time ignoring of a specific behavior, brief physical prompts to interrupt or prevent a specific behavior, interventions medically necessary for the treatment or protection of the student, or use of voice control, limited to loud, firm commands.

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.

Procedures

Physical restraints shall be administered by staff who have been trained in the safe and appropriate applications.

Documentation of each incident involving the use of physical restraint on a student must be generated and maintained by the school.

Following a physical restraint, the school nurse or other medical personnel shall evaluate the student to determine and document if any injuries were sustained during the incident.

As soon as practicable, and after every incident in which timeout or physical restraint is used on a student, a school administrator or their designee shall meet with the school staff that participated in the use of the physical restraint to discuss the circumstances leading to the use of physical restraint, the positive, proactive intervention strategies that were utilized prior to the use of physical restraint; and 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. In addition, the school administrator or their designee will direct a school staff member to debrief the incident with the student in a manner appropriate to that student's age and developmental ability and to discuss the behavior(s), if any, that precipitated the use of physical restraint.

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

Documentation:

The school shall maintain documentation of each incident involving the use of physical restraint on a student. The documentation shall include:

- The student's name
- Student's date of birth
- Setting and location of the incident;
- The name of the staff who participated in the implementation, monitoring and supervision of the use of physical restraint and any other persons involved;
- A description of the incident, including duration and type of restraint used
- Whether the student has an individualized education program (IEP), Section 504 accommodation plan, behavioral intervention plan (BIP) or other plan developed for the student by the school
- 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 the student's BIP, if applicable
- 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
- Date and method of notification to the parent or person in parental relation to the student; and whether a meeting was held;
- The date of debriefing with staff who participated in the use of timeout with a school administrator or their designee

Debriefing After Physical Restraint

- As soon as practicable, and after every incident in which physical restraint is used on a student, a school administrator or designee shall meet with school staff who participated in the use of physical restraint to discuss:
 1. The circumstances leading to the use of physical restraint
 2. The positive, proactive intervention strategies that were used prior to the use of physical restraint
 3. Planning for the prevention and reduction of the future need for the use of physical restraint with the student, including, if applicable, whether a referral shall 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 IEP and/or BIP is needed; and
 4. 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 physical restraint.

Same-Day Parent Notification of and Documentation

- The principal or other school administrator shall notify the parents or person in parental relation to the student the same day that a physical restraint is used to offer the opportunity to meet regarding the incident.
- When a student's parent or person in parental relation cannot be contacted, after reasonable attempts are made, the school principal or building administrator shall document all attempts made
- For students with disabilities, the school principal or building administrator shall report such attempts to the student's committee on preschool special education or committee on special education.
- Within three (3) school days, the school administrator will provide the parent or person in parental relation to the student a copy of the documentation of the incident within three school days of the use of a physical restraint.

Review of Documentation

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

This Policy shall remain in full force and effect unless modified by the Board of Education.

Authority: 8 NYCRR §§ 19.5; §100.2(l)(3); §200.1(11); §200.7(a)(2)(i)(f) and (a)(3)
 §200.7(b)(8); §200.15(b)(3); § 200.22 (b)(3); (c); (d);
 Chapter 516 of the Laws of 2022.

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 Adopted: XX

