

5530 Use of Timeout

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 Board further acknowledges that the use of aversive behavioral intervention, as defined in §19.5 of the Commissioner's regulations, is prohibited. 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.

Purpose

Timeout means a behavior management technique that involves the monitored separation of a student in a non-locked setting and may be implemented for students with a behavior intervention plans ("BIP") to be used when Students are:

- Overwhelmed
- Experiencing over-stimulation
- Out of control
- Engaging in behaviors that place the student or others at risk of immediate harm or injury

Timeout is designed to help the student

- Deescalate (increase control over their emotions and behavior)
- Regain Control and reduce the present threat and potential level of danger to the student or others
- Prepare the Student to meet expectations and return to their education program.

Staff shall return the student to their education program after timeout as soon as the student has safely deescalated, regained control and is prepared to meet expectations.

Timeout may 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 **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 such intervention strategies consistent with a student's behavioral intervention plan (BIP); or
- A teacher removal, in-school suspension; or any other appropriate disciplinary action.

Timeout may only be used when:

- There is a situation that poses an immediate concern for the physical safety of the student and others.
- Other less restrictive and intrusive interventions and de-escalation techniques would not prevent imminent danger of serious physical harm to the student or others;
- School staff using such interventions have been trained in the safe and appropriate application and use of timeout

Room or Physical Space for Timeout and Procedures:

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

- Be unlocked (any door must be able to be opened from the inside)
- Use of locked rooms or physical spaces is prohibited
- Provide for the continuous visual and auditory monitoring of the student;
- Be of an adequate width, length, and height to allow the student to move about and recline comfortably
- Be clean and free of potentially dangerous objects and/or fixtures
- Meet all local fire and safety codes
- Wall and floor coverings shall, to the extent practicable, be designed to prevent injury to the student
- Provide for adequate light and ventilation
- Temperature of the room must be within a normal comfort range consistent with the rest of the building

Parental Notification of Policy and Opportunity to Inspect the room or space to be used for Timeout

Before an IEP with a BIP that provides for use of timeout is implemented, Parents must:

- Be offered an opportunity to view the room or space to be used for timeout
- Be provided with a copy of this Policy.

Developmentally Appropriate Time Limitations for the Use of Timeout

- Based on the student's age and individual needs a BIP must identify a developmentally appropriate time limitation for the use of timeout.
- At no time may a Student remain in the Time Out Room longer than 30 minutes at a time or more than 60 minutes in a day.

Training and Monitoring

- All staff authorized to place a student in timeout shall be trained in the District's Policies and Procedures related to its use; and evidence-based positive, proactive

strategies; crisis intervention and prevention procedures and de-escalation techniques.

- Any staff who may be called upon to implement timeout must receive annual, evidence-based training in safe and effective developmentally appropriate timeout procedures
- Staff functioning as timeout monitors must be trained
- Staff must continuously monitor the student in a timeout room or space

Documentation

- The school shall maintain documentation of each incident involving the use of timeout, including timeout used in conjunction with a student's behavioral intervention plan. The documentation shall include:
 1. The student's name
 2. Student's date of birth
 3. Setting and location of the incident;
 4. The name of the staff who participated in the implementation, monitoring and supervision of the use of timeout and/or physical restraint and any other persons involved;
 5. A description of the incident, including duration (total amount of time the student was in timeout)
 6. 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
 7. 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 the student's BIP, if applicable
 8. 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
 9. Date and method of notification to the parent or person in parental relation to the student; and whether a meeting was held;
 10. The date of debriefing with staff who participated in the use of timeout with a school administrator or their designee

Debriefing After Timeout

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

Same-Day Parent Notification of Timeout use:

- Parents shall be notified the same day that timeout is used, including timeout in conjunction with a student's behavioral intervention plan.
- 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 record such attempts.
- 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.

Review of Documentation

- The school administrator or designee shall regularly review documentation on the use of timeout 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 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 N.Y.C.R.R. §19.5

8 N.Y.C.R.R. §100.2(2)(bb)

8 N.Y.C.R.R. § 200.1 (lll), §200.1(mmm); §200.7(a)(2)(i)(f); §200.7(a)(3); 200.7(b)(8);

§200.15(b)(3); §§200.22(b)(c),(d)

Chapter 516 of the Laws of 2022

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