

## **RESTRAINT, SECLUSION, AND USE OF BEHAVIORAL INTERVENTIONS & SUPPORTS**

### **I. PROHIBITION OF CORPORAL PUNISHMENT**

- A. State regulations prohibit the use of corporal punishment against a student by any teacher, administrator, officer, employee, or agent of the Corning-Painted Post Area School District (“C-PP”).
- B. Corporal punishment means any act of physical force upon a pupil for the purpose of punishing that pupil. If alternative procedures and methods not involving the use of physical force cannot reasonably be employed, then the use of reasonable physical force may be used to:
- protect oneself from physical injury;
  - protect another pupil or teacher or any person from physical injury;
  - protect the property of the school, school district or others; or
  - implement an emergency intervention/removal of a pupil whose behavior is interfering with the orderly exercise and performance of school functions, powers, and duties and/or the student has refused to comply with a request to refrain from further disruptive acts provided that alternative procedures and methods not involving the use of physical force cannot be reasonably employed to achieve the purposes set forth above.

**The use of physical force by any school personnel must be reported to the appropriate Supervisor in person, by telephone, or by electronic mail before the end of the school day and must include a detailed description of the circumstances and nature of the action taken.**

The Superintendent shall submit a written semiannual report to the Commissioner of Education, during the reporting period listed as January 15 and July 15 of each year, the results of each investigation, and the action, if any, taken by the school authorities in each case.

### **II. PROHIBITION OF AVERSIVE INTERVENTIONS**

- A. State regulations prohibit the use of aversive interventions to reduce or eliminate maladaptive behavior of a student, except as provided pursuant to section 200.22(e) and (f) of the Regulations of the Commissioner of Education as referenced below. C-PP staff shall not use aversive therapy on a student to modify or change that student’s behavior.
- B. Aversive intervention means an intervention that is intended to induce pain or discomfort to a student for the purpose of eliminating or reducing maladaptive behaviors, including such interventions such as:
- contingent application of noxious, painful, intrusive stimuli or activities to a student;
  - 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 to make it distasteful;
  - the use of water spray, hitting, pinching, slapping, noxious fumes, extreme physical exercise or embarrassing costumes or signs; or
  - other stimuli or actions similar to the interventions described above.

## **RESTRAINT, SECLUSION, AND USE OF BEHAVIORAL INTERVENTIONS & SUPPORTS**

- C. The use of mechanical or chemical restraints by school staff is prohibited by these procedures, inclusive of movement limitation used as a punishment, helmets, and mechanical restraint devices, with the exception of appropriate use of protective equipment or devices that are part of a treatment plan prescribed by a physician or psychologist for treatment of a chronic condition.
- D. The term does not include such interventions as voice control, limited to loud, firm commands; time-limited ignoring of a specific behavior; token fines/response cost procedures as part of a token economy system; brief physical guidance or prompts to interrupt or prevent a specific behavior; interventions medically necessary for the treatment or protection of the student; or other similar interventions.

### **III. USE OF TIME OUT ROOMS**

- A. Pursuant to Commissioner's Regulations, a time out room is defined "as an area for a student to safely deescalate, regain control and prepare to meet expectations to return to his/her education program." 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 educational program.
- B. Except for unanticipated situations that pose an immediate concern for the physical safety of a student or others, the use of a time out room can only be used in conjunction with a behavioral intervention plan (BIP) that is designed to teach and reinforce alternative appropriate behaviors. A student's individualized education program ("IEP") will also specify when a BIP includes the use of a time out room for a student with a disability, including the maximum amount of time a student will need to be in a time out room as a behavioral consequence based on the student's individual needs.
- C. The physical space of any time out rooms will comply with the Commissioner's Regulations. Students will not be placed in locked rooms but a room or space where the student is continuously observed and supervised.
- D. The following procedures will be followed in the event that a time out is used:
  - The student will be continuously monitored;
  - The BIP will designate the maximum amount of time the student may be in a time out room;
  - Direct Supervisor will be notified in the event a student is placed in a time out room for an excessive amount of time;
  - Staff training: Staff who may be called upon the utilized time out rooms shall receive appropriate training as to the use of such rooms in accordance with the Commissioner's Regulations.
  - Each time a student is placed in time out, appropriate documentation will be maintained including:
    - i. A record for each student showing the date and time of each use of the room;
    - ii. A detailed account of the antecedent conditions/specific behavior that led to the use of the time out room;

**RESTRAINT, SECLUSION, AND USE OF  
BEHAVIORAL INTERVENTIONS & SUPPORTS**

- iii. The amount of time that the student was in the room; and
- iv. Information to monitor the effectiveness of the use of the time out room to decrease specified behaviors that resulted in the student being placed in the room.
  - Parents should be notified if their child was placed in a time out room. Such notification will be provided the same day whenever possible.

**IV. EMERGENCY INTERVENTIONS**

- A. An “emergency” is defined as a situation in which immediate intervention involving the use of reasonable physical force pursuant to section 19.5(a)(3) of the Regulations of the Commissioner of Education is necessary.
- B. Emergency Interventions shall be used only in situations in which alternative procedures and methods not involving the use of physical force cannot reasonably be employed.
- C. Emergency Interventions shall 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.
- D. If there is a physical injury, the potential of an injury or a student/staff member complains of an injury or pain, medical attention must be provided.
- E. Staff training: Staff who may be called upon to implement Emergency Interventions shall be provided with appropriate training in prevention techniques, de-escalation techniques, and positive behavioral intervention strategies, as well as safe and effective restraint procedures. The District utilizes restraint procedures including, but not limited to: standing, seated, small child, supine, and prone restraints. Training shall be consistent with nationally recognized training programs that provide certification and are currently subscribed to within C-PP. Staff shall be trained and recertified annually.
- F. School personnel training shall be designed to meet the needs of personnel as appropriate to their duties and potential need for the use of Emergency Interventions.
- G. Each time an Emergency Intervention is used, the district shall maintain documentation including:
  - name and date of birth of the student;
  - setting and location of the incident;
  - name of the staff or other persons involved;
  - a description of the incident and the Emergency Intervention used, including duration;
  - a statement as to whether the student has a current behavioral intervention plan (BIP); and
  - details of any injuries sustained by the student or others, including staff, as a result of the incident.

**RESTRAINT, SECLUSION, AND USE OF  
BEHAVIORAL INTERVENTIONS & SUPPORTS**

**Direct Supervisor must be notified of any Emergency Intervention as soon as possible and/or before the end of the school day in person, by phone, or by email.**

**The parent/guardian of the student shall be notified as soon as possible after any Emergency Intervention.**

Any documentation of Emergency Interventions shall be reviewed by school supervisory personnel and, as necessary, the school nurse or other medical personnel. Each time an Emergency Intervention is used, a debriefing shall take place with the staff members involved in the intervention.

**V. ASSESSMENT OF STUDENT BEHAVIORS**

- A. Functional behavioral assessments (FBA) must be conducted as required in section 200.4 of the Commissioner's Regulations.
- B. FBA means the process of determining why a student engages in behaviors that impede learning and how the student's behavior relates to the environment.
- C. The FBA shall include, but is not limited to:
- identification of the problem behavior;
  - definition of the behavior in concrete terms;
  - identification of the contextual factors that contribute to the behavior; and
  - formulation of a hypothesis regarding general conditions under which a behavior usually occurs and probable consequences that serve to maintain it.
- D. The FBA must, as appropriate, be based on multiple sources of data including, but not limited to:
- information obtained from direct observation of the student;
  - information from the student, the student's teacher(s) and/or related service provider(s); and
  - a review of available data and information from the student's record and other sources including any relevant information provided by the student's parent(s).
- E. The FBA cannot be solely based on the student's history of presenting problem behavior.
- F. The FBA must:
- provide a baseline of the student's problem behaviors with regard to frequency, duration, intensity and/or latency across activities, settings, people and times of the day; and
  - include the information required in section 200.1(r) of the Regulations of the Commissioner of Education (definition of *functional behavioral assessment*) in sufficient detail to form the basis for a behavioral intervention plan for the student that addresses: antecedent behaviors, reinforcing consequences of the behavior, recommendations for teaching alternative skills or behaviors, and assessment of student preferences for reinforcement.

**RESTRAINT, SECLUSION, AND USE OF  
BEHAVIORAL INTERVENTIONS & SUPPORTS**

**VI. BEHAVIORAL INTERVENTION PLANS**

- A. Behavioral intervention plan (BIP) means a plan that is based on the results of an FBA and, at a minimum, includes a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs and intervention strategies that include positive behavioral supports and services to address the behavior.
- B. The Committee on Special Education (CSE) or Committee on Preschool Special Education (CPSE) must consider the development of a BIP for a student with a disability when:
- the student exhibits persistent behaviors that impede his or her learning or that of others, despite consistently implemented general school-wide or classroom-wide interventions;
  - the student's behavior places the student or others at risk of harm or injury;
  - the CSE or CPSE is considering more restrictive programs or placements as a result of the student's behavior; and/or
  - as required pursuant to section 201.3 of the Regulations of the Commissioner of Education relating to discipline procedures for students with disabilities.
- C. In the case of a student whose behavior impedes his or her learning or that of others, the CSE or CPSE should consider strategies inclusive of positive behavioral interventions and supports, de-escalation strategies and techniques, and other evidence-based strategies known to be safe and effective in addressing challenging behaviors.
- D. The IEP must indicate if a particular device or service, including an intervention, accommodation, or other program modification is needed to address the student's behavior that impedes his or her learning or that of others.
- E. A BIP shall not include the use of corporal punishment or aversive interventions.
- F. A student's need for a BIP must be documented in the IEP, and the BIP must be reviewed at least annually by the CSE or CPSE.
- G. The BIP must identify:
- the baseline measure of the problem behavior, including the frequency, duration, intensity and/or latency of the targeted behaviors. Such baseline must, to the extent practicable, include data taken across activities, settings, people and times of the day. The baseline data must be used as a standard to establish performance criteria and against which to evaluate intervention effectiveness;
  - the intervention strategies to be used to alter antecedent events to prevent the occurrence of the behavior, teach individual alternative and adaptive behaviors to the student, and provide consequences for the targeted inappropriate behavior(s) and alternative acceptable behavior(s); and
  - a schedule to measure the effectiveness of the interventions, including the frequency, duration and intensity of the targeted behaviors at scheduled intervals.

**RESTRAINT, SECLUSION, AND USE OF  
BEHAVIORAL INTERVENTIONS & SUPPORTS**

- H. The implementation of a student's BIP must include **regular progress monitoring** of the frequency, duration and intensity of the behavioral interventions at scheduled intervals, as specified in the BIP and on the student's IEP.
  
- I. The results of the progress monitoring must be documented and reported to the student's parents and to the CSE or CPSE and must be considered in any determination to revise a student's BIP or IEP.

Education Law Sections 207, 210, 305, 4401, 4402, 4403 and 4410

8 NYCRR Sections 19.5, 100.2, 200.1, 200.4, 200.7, 200.15, 200.22 201.2, and 201.3

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