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(iv) orthopedically prescribed devices that permit a student to participate in activities without risk of harm.

(5) *Multi-tiered system of supports* means a proactive and preventative framework that



(i) The type of physical restraint used shall be the least restrictive technique necessary



(ii) In addition to the training requirements for all staff in subparagraph (i), any staff who may be called upon to implement timeout or physical restraint, shall receive annual, evidence-based training in safe and effective developmentally appropriate timeout and physical restraint procedures.

(8) Written policy.

(i) Each school shall adopt a written policy that establishes administrative practices and procedures regarding the use of timeout and physical restraint consistent with this subdivision. Such policy and procedures shall at a minimum include:

(a) factors which may precipitate the use of the timeout or physical restraint;

(b) developmentally appropriate time limitations for the use of timeout and physical restraint;

(c) prohibiting placing a student in a locked room or space or in a room where the student cannot be continuously observed and supervised;

(d) prohibiting the use of prone restraint;

(e) the requirements in section 200.22(c) of this Title relating to students with disabilities whose behavioral intervention plan includes the use of timeout as a behavioral consequence;

(f) staff training provided in accordance with the requirements of paragraph (7) of this subdivision;

(g) information to be provided to the parent or person in parental relation, including a copy of the timeout and physical restraint policy; and

(h) notifying the parent or person in parental relation on the same day when a student is placed in a timeout or a physical restraint is used in accordance with the requirements of paragraph (3) of this subdivision; and

(i) data collection to monitor patterns of use of timeout and physical restraint.

(ii) The written policy shall be made publicly available for review at the district or school administrative office(s) and each school building, and posted on the school's website, if one exists.

(e) Annual reporting. Beginning with the 2024-2025 school year, each public school district, board of cooperative educational services, charter school, State-operated school pursuant to Articles 87 and 88 of the Education Law, and private residential school operated pursuant to Article 81 of the Education Law, shall submit an annual report on the use of physical restraint and timeout and substantiated and unsubstantiated allegations of use of corporal punishment, mechanical restraint and other aversive interventions, prone physical restraint, and seclusion to the department, on a form and at a time prescribed by the commissioner in accordance with the requirements of section 100.2(bb)(2). In addition, public school districts shall report such data for students for whom they are the district of residence, and who are otherwise not reported, including students attending a State-supported school pursuant to Article 85 of the Education Law, in-state and out-of-state private residential or non-residential school for the education of students with disabilities approved pursuant to Article 89 of the Education Law, or preschool special education program approved pursuant to section 4410 of the Education Law.

## Credits

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Current with amendments included in the New York State Register, Volume XLV, Issue 32 dated August 9, 2023. Some sections may be more current, see credits for details.