

Updates to Behavioral Interventions



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This fact sheet addresses amendments to [Section 19.5 of the Rules of the Board of Regents and Sections 100.2, 200.1, 200.7, 200.15, and 200.22 of the Regulations of the Commissioner of Education](#), adopted at the July 2023 Board of Regents meeting.

These amendments, effective August 2, 2023, made changes to allowable behavioral interventions and required training and documentation related to allowable behavioral interventions.

In January of 2024, SED released an FAQ document titled, [Updates to Behavioral Supports and Interventions in Schools](#), to provide clarification about the amendments. In April of 2024, the document was updated with additional FAQs to provide further clarity.

These amendments apply to all students, both with and without disabilities. The amendments prohibit the use of corporal punishment, aversive interventions, and seclusion. They allow for the limited use of timeout and physical restraint.

Frequently Asked Questions

1. Who must receive training?

All staff must receive annual training on the school's policies and procedures related to the use of timeout and physical restraint; evidence-based positive, proactive strategies; crisis intervention and prevention procedures, and de-escalation techniques.

While the amendments specifically state that all staff must be trained, the guidance indicates that training programs and specific personnel training requirements are determined at the local school level. However, SED has also determined that it is important that all staff be trained on the school's policies and procedures related to the use of timeout and physical restraint; evidence-based positive, proactive strategies; crisis intervention and prevention procedures, and de-escalation techniques.

2. What additional training is required?

Staff who may be called upon to implement timeout or physical restraint and staff who are expected to intervene in student altercations must be provided with annual, evidence-based training in safe and effective timeout and physical restraint procedures. Some examples of this are TCI-S and Handle With Care.

3. What is a physical restraint?

Physical restraint means a personal restriction that immobilizes or reduces the ability of a student to move their arms, legs, body, or head freely.

4. What is *NOT* a physical restraint?

Physical escort is defined as the temporary touch 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. This is not considered a physical restraint.

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 is not considered a physical restraint.

5. When can a physical restraint be implemented?

A physical restraint may be implemented only when less restrictive and intrusive interventions and de-escalation techniques would not prevent imminent danger of serious physical harm to the student or others.

Physical restraint may not be included as a planned intervention on an IEP or BIP. Physical restraint may not be implemented if the student has a medical contraindication to physical restraint.

6. Can a student be physically restrained to prevent property damage?

No. A physical restraint may only be implemented when there is imminent danger of serious physical harm to the student or others.

7. Who can implement a physical restraint?

Only staff who have received annual, evidence-based training in safe and effective timeout and physical restraint procedures may perform a physical restraint.

School administrators should ensure that staff who may be called upon to implement a physical restraint are provided the names of students who should not be physically restrained because of a medical contraindication.

8. Is breaking up a fight between students considered a physical restraint?

Yes, if the intervention results in a restriction that immobilizes or reduces the ability of a student to move their arms, legs, body, or head freely. Please note that only staff who have received annual, evidence-based training in safe and effective timeout and physical restraint procedures may perform a physical restraint and required documentation/debriefing required following a restraint must be completed.

9. What is timeout?

Timeout is defined as a behavior management technique that involves the monitored separation of a student in a non-locked setting and is implemented for the purpose of de-escalating, regaining control, and preparing the student to meet expectations to return to their education program.

Timeout may only be used in a situation that poses an immediate concern for the physical safety of the student or others or when specified on a student's IEP or BIP as a means to teach and reinforce alternative appropriate behaviors.

A timeout room or space must conform to the requirements specified in Section 19.5 of the Rules of the Board of Regents.

10. What is *NOT* a timeout?

Timeout does not include student initiated or requested breaks, nor does it include rooms or spaces containing coping tools or activities to assist a student to calm and self-regulate.

11. What are the notification requirements following the use of timeout or physical restraint?

Parents must be notified the same day that a timeout or physical restraint is used. Notification must offer the parent the opportunity to meet regarding the incident. Parents shall be provided with a copy of the documentation of the incident within three school days of the use of a timeout or physical restraint. Parental notification is the responsibility of the school.

12. What documentation is the school required to maintain when a timeout or physical restraint is implemented?

Schools must maintain documentation of each incident involving the use of timeout and/or physical restraint. Documentation must include:

- Name and DOB of the student
- Setting and location of the incident
- Name of staff involved
- Description of the incident including duration and for physical restraint, the type of restraint used
- Whether the student has an Individualized Education Program (IEP), Section 504 accommodation plan, Behavioral Intervention Plan (BIP), or other plan
- List of all positive, proactive intervention strategies utilized prior to the use of timeout and/or physical restraint
- Date and method of notification to the parent and whether a meeting was held
- Details of any injuries sustained by the student or staff during the incident
- Whether the school nurse evaluated the student
- Date of the debriefing
- Date the incident was reviewed by supervisory personnel and, as necessary, medical personnel

13. What is a debrief? Who is involved? When must one be held?

Following the implementation of a timeout or physical restraint, a debrief must occur between the student and school staff member to discuss behaviors that precipitated the use of timeout and/or physical restraint.

Additionally, as soon as practicable after every incident of timeout and/or physical restraint, administration must debrief with staff involved to discuss: circumstances and positive, proactive intervention strategies that took place prior to the implementation of timeout and/or physical restraint and whether a referral to special education should be made or a review of the student's IEP and/or BIP is needed.

The debrief is intended to assist schools in working to prevent and/or reduce future instances of the use of timeout and/or physical restraint and to help identify areas for improvement.

Advice to Local Leaders

- Ensure that all staff who may be called upon to implement a timeout or physical restraint (including intervening in student altercations) receive annual evidence-based training in safe and effective, developmentally appropriate procedures.
- Work with your district to create a comprehensive policy related to the use of physical restraint including:
 - Which individuals will receive evidence-based training to implement physical restraints?
 - A plan for emergency response if not all staff will receive evidence-based training to implement physical restraints (Who will be on emergency response team? How will classes be covered for emergency response team members?)

- Ensuring that all individuals who may be called upon to implement physical restraint are provided the names of students who should not be physically restrained because of medical contraindication
- Defining the maximum duration of a physical restraint
- Outlining procedures when the student is unable to de-escalate within the maximum time limit for physical restraint
- Work with your district to develop a timeout/physical restraint documentation form that includes:
 - Space for a statement of the threat of imminent danger of serious physical harm that led to a physical restraint
 - A checklist of all positive, proactive intervention strategies that may be utilized prior to the use of timeout/physical restraint
 - Date of debrief between staff and student
 - Date of debrief between staff and administration
- Work with your district to develop plans for students demonstrating behaviors that are not an imminent threat of serious physical harm, but who are not responding to de-escalation techniques, for example, elopement, property damage, or threats of physical harm.

Resources

[Proposed Amendment of Section 19.5 of the Rules of the Board of Regents and Sections 100.2, 200.1, 200.7, 200.15, and 200.22 of the Regulations of the Commissioner of Education Relating to the Prohibition of Corporal Punishment, Aversive Interventions, Prone Restraint and Seclusion; Permitted Use of Timeout and Restraint; and Data Collection](#)

[NYSED Updates to Behavioral Supports and Interventions in Schools: Frequently Asked Questions, April 2024](#)

[NYSED Workplace Violence Prevention Program FAQs](#)

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