

POLICY

2023

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Students

SUBJECT: CORPORAL PUNISHMENT/EMERGENCY INTERVENTIONS

Prohibition of Corporal Punishment, Aversive Interventions, and Seclusion

Corporal punishment, aversive interventions, and seclusion shall not be used against a student by any teacher, administrator, officer, employee, or agent of this School District. For the purposes of this policy, the term “agent” shall include, but not be limited to, school resource officers, except when a student is under arrest and handcuffs are necessary for the safety of the student and others.

“Corporal punishment” refers to any act of physical force upon a student for the purpose of punishing that student. The term does not include the use of physical restraints as defined below when they are used 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.

An 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;
- other stimuli or actions similar to the interventions described in this paragraph.

The phrase “aversive intervention” does not include such interventions 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.

Seclusion means the involuntary confinement of a student in a room or space that they are prevented from leaving or they may perceive that they cannot leave at will.

Physical Restraint

Limited use of physical restraint is authorized only when it is intended to mitigate a situation that poses an immediate concern for the physical safety of the student and/or others;

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- 1) Where other, less restrictive and intrusive interventions and de-escalation techniques would not prevent imminent danger of serious physical harm to the student or others;
and
- 2) The school staff conducting and monitoring the restraint have been trained in its safe and appropriate use;
and
- 3) There is no known medical contraindication to its use on the student.

The use of physical restraint will be governed by the following rules and standards:

1. Positive, proactive, evidence- and research-based strategies through a multi-tiered system of support shall be used to reduce the occurrence of challenging behaviors, eliminate the need for the use of physical restraints, and improve school climate and the safety of all students
2. 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.
3. 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.
4. Physical restraint shall never be used in a manner that restricts the student's ability to breathe or communicate or harms the student.
5. The use of prone restraint is prohibited, where prone restraint means physical or mechanical restraint while the student is in the face down position.
6. Physical restraint shall not be used as a planned intervention on a student's individualized education program (IEP), Section 504 accommodation plan, behavioral intervention plan (BIP), or other plan developed for a student by the school.
7. 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.
8. Following a physical restraint, if an injury has been sustained or believed to have been sustained, the school nurse, pursuant to section 902(2)(b) of the Education Law or other medical personnel (i.e., physician, physician assistant, or a nurse practitioner) shall evaluate the student to determine and document if any injuries were sustained during the incident.
9. Parental Notification will proceed as follows:
 - a. On the same day as the incident, school staff will inform the student's parent or person in parental relation following the use of a physical restraint.

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- b. When the 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.
 - c. Parental notification shall offer the opportunity to meet regarding the incident and 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 the physical restraint.
 - d. Parent reports of alleged inappropriate physical restraints should be directed to school administrators.
 - e. Parental notification shall include a copy of the District's formal "Corporal Punishment/Emergency Interventions" policy.
 - f. If a physical restraint was used in conjunction with a timeout, then the same communications shall serve as parental notification in both areas.
10. Documentation: The school shall maintain documentation of each incident involving the use of a physical restraint. That documentation shall include the following:
- a. the name and date of birth of the student;
 - b. the setting and location of the incident;
 - c. the name of the staff who participated in the implementation, monitoring and supervision of the use of physical restraint and any other persons involved;
 - d. a description of the incident including duration, and the type of restraint used;
 - e. whether the student has an individualized education program, Section 504 accommodation plan, behavioral intervention plan, or other plan developed for the student by the school;
 - f. 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 a student's behavioral intervention plan, if applicable;
 - g. the 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;
 - h. the date and method of notification to the parent or person in parental relation;
 - i. whether a meeting was held with the parent or person in parental relation;
 - j. the date of the staff and student debriefings.

Documentation of the incident shall be reviewed by supervisory personnel and, as necessary, the school nurse or other medical personnel.

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Documentation of each incident shall be maintained by the school and made available for review by the department upon request.

If the physical restraint was used in conjunction with a timeout, then one set of documentation should cover both the timeout and the physical restraint.

The Assistant Superintendent for Instruction or their 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 designee shall take appropriate steps to address the frequency and pattern of use.

11. Debriefing: As soon as practicable, and after every incident in which timeout is used on a student, a school administrator or designee shall conduct a debriefing session with school staff who participated in the use of the physical restraint. At that meeting, the group should discuss the following:
 - a. the circumstances leading to the use of physical restraint;
 - b. the positive, proactive intervention strategies that were utilized prior to the use of physical restraint;
 - c. 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;
 - d. designation of a staff member to conduct a debriefing session with the student.

The staff member designated in the staff debriefing session will meet the incident with the student in a manner appropriate to the student's age and developmental ability and to discuss the behavior(s) that precipitated the use of physical restraint.

12. Staff training on the use of physical restraint: The Assistant Superintendent for Instruction will be responsible for ensuring that all staff receive annual training on the school's policies and procedures related to:
 - a. the use of physical restraint;
 - b. evidence-based, positive, proactive strategies for helping students regulate their behavior;
 - c. crisis intervention and prevention procedures and de-escalation techniques.

Additionally, any staff who may be called upon to implement physical restraints shall receive annual, evidence-based training in safe, effective, and developmentally-appropriate physical restraint procedures.

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13. Annual Reporting: The Superintendent of Schools shall submit a written semi-annual report to the Commissioner of Education setting forth the substance of each written complaint about the use of corporal punishment received by the Vestal Central School District authorities during the reporting period, the results of each investigation, and the action, if any, taken by the school authorities in each case. Additionally, the district shall report such data for students in out-of-district placements who are not otherwise reported by other local educational agencies.

The Assistant Superintendent for Instruction will be responsible for developing internal practices and procedures for the administration of physical restraints in a manner consistent with this policy and with the Commissioner's Regulations.

A copy of this policy shall be made publicly available for review at the district office and on the district's website.

8 New York Code of Rules and Regulations (NYCRR) Sections 19.5, 100.2(1)(3), 200.15(f)(l) and 200.22(d)

NOTE: Refer also to Policy #7313 -- Suspension of Students

Adopted 3/6/12

Amended 10/24/23