



**Yonkers Board of Education Policy Committee Meeting
March 10, 2022**

One Larkin Center, Board Room, 4th Floor
Yonkers, New York 10701
5:45 p.m.

Meeting Agenda

I. Welcome & Updates
Committee Chair, Gail Burns

II. Final Draft Policies for Review:

Section	Policy
Section 9500	Compensation and Benefits
Section 9510	Longevity

III. Draft Policies for Review:

Section	Policy
9140.1	Staff Complaints & Grievances
9140.1 R	Staff Complaints & Grievances - Regulation
9150	Staff-Student Relations
9240	Recruiting and Hiring
9240.1	Credit for Outside Service for Certificated Employees
9240.2	Salary Adjustment for Certificated Employees
4321.12	Use of Time-Outs, Time Out Rooms, and Physical Restraints
4321.12 R	Use of Time Out Rooms - Regulation
4321.12 E	Guiding Principles on the Use of Restraint and Seclusion
4311.1	Display of the Flag
8700	Insurance

IV. Other Business

V. Adjournment

COMPENSATION AND BENEFITS

The Board of Education believes that the district's employees should receive fair compensation and benefits for the work it provides in serving the children of our community. To this end, the Superintendent of Schools, in collaboration with the City of Yonkers Human Resources department shall be responsible for establishing and administering the compensation and benefits provided to the district's employees.

The Board and the school district will comply with all applicable federal and state laws that require minimum compensation and benefits be provided to employees.

Determination of Employment Status

Before enrolling an individual in the district's compensation and benefits program, the district will determine the individual's employment status. In accordance with regulations issued by the State Comptroller and as set forth by the Internal Revenue Service, the Human Resources department will determine if the person is an employee and thus entitled to benefits. If the individual is not an employee based on the specified criteria, they will not be enrolled in any of the benefit programs offered by the district or the State. When the district hires an attorney, physician, engineer, architect, accountant or auditor as an employee and not an independent contractor, the Board of Education President must certify to the applicable New York State Retirement System the factors supporting that determination using the form prescribed by the State Comptroller. The Board of Education President shall be responsible for reporting to the appropriate retirement system those individuals eligible for membership. This reporting shall take place at the time of an individual's employment, and at the intervals required by the appropriate retirement system.

Employees Covered by Collective Bargaining Agreements

The compensation and benefits (except for State Retirement System benefits) for employees who are represented by recognized or certified employee organizations are established by collective bargaining agreements negotiated between the employee organizations and the district. The district will negotiate in good faith over these issues, as required by law, and will fully comply with the requirements of the Taylor Law and the applicable collective bargaining agreements.

To ensure that the compensation and benefits provided to employees are fair and within the parameters of the district budget, the Board reserves its right to approve all additional funding required by the provisions of a tentative collectively negotiated bargaining agreement, in addition to any right of ratification that is secured by the district's negotiation representative(s).

Employees Not Covered by Collective Bargaining Agreements

The compensation and benefits for employees who are not represented by recognized or certified employee organizations shall be determined by the Superintendent, with approval by the Board.

Cross-Ref: 9420, Recruiting and Hiring

Ref: Consolidated Omnibus Budget and Reconciliation Act of 1985 (COBRA), 42 USC §§300bb-1 *et seq.* (federal law that requires the continuation of health insurance benefits under certain circumstances)

Fair Labor Standards Act (FLSA), 29 USC §§200 *et seq.* (federal law that requires a minimum wage and overtime for non-exempt employees)

Family and Medical Leave Act of 1993 (FMLA), 29 USC §§2611 *et seq.* (federal law that requires an unpaid leave of absence for certain family and medical situations)

Civil Service Law §§200 *et seq.* ("Taylor Law," requires school districts to negotiate with unions)

Education Law §3005-b (requires a minimum sick leave allotment and accumulation for teachers)

Adoption date: May 8, 2007

Revised:

LONGEVITY

Effective with the adoption of this policy, requests for longevity increments may be submitted by employees based upon the required number of years of service in the Yonkers Public Schools. Such application will be reviewed and approved if the employee meets the required number of service years. Employees eligible for such increment, but who have failed to submit the required application may be allowed a maximum of two years retroactive from the date of the application if it is determined that the employee was eligible at a date earlier than the application.

Adoption date: July 20, 2011

Readopted:

STAFF COMPLAINTS AND GRIEVANCES

Grievance procedures are designed to resolve conflicts that may arise among various members of the staff. The Board of Education recognizes that staff complaints and grievances regarding work rules arise from time to time. In many instances, the complaint process is covered by collective bargaining agreements, and in those instances, the grievance procedure outlined in the agreement shall be followed. In order to address staff complaints not covered by collective bargaining agreements, and/or for those employees not covered by such an agreement, the Board establishes this policy. Staff members have the right to present complaints and grievances in accordance with the established procedures free from coercion, interference, restraint, discrimination, or reprisal.

As appropriate, the District shall implement a multi-stage grievance procedure and an appellate stage for the settlement of grievances pursuant to the General Municipal Law. Additionally, the District shall implement procedures and regulations and designate an employee to carry out the responsibilities under Title IX and Section 504 of the Rehabilitation Act or the Americans with Disabilities Act (ADA).

This policy and accompanying regulation (9140.1-R) provides the grievance procedures for those employees not covered by collective bargaining agreements or whose negotiated agreements do not include grievance procedures. Staff complaints that are not covered under the General Municipal Law or cannot be resolved under procedures of Title IX and Section 504 or the ADA shall be subject to the discretion of the Board of Education as to the method by which the complaint may be brought.

Annual Notification

At the beginning of each school year, the District shall publish a notice of the established grievance procedures for resolving complaints of discrimination due to sex and/or disability to parents/guardians, employees, eligible students and the community. The public notice shall:

1. inform parents, employees, students and the community that vocational education programs are offered without regard to sex, race, color, national origin or disability;
2. provide the name, address and telephone number of the person designated to coordinate activities concerning discrimination due to sex and/or disability; and
3. be included in announcements, bulletins, catalogues, and applications made available by the district.

Cross-Ref: 0100, Non-Discrimination and Equal Opportunity
9140.1 R, Staff Complaints and Grievances Regulation

Ref: Americans with Disabilities Act, 42 USC §§12111-12117; 12210
General Municipal Law, Article 15-c
Title IX, 20 USC §§1681 *et seq.*
45 CFR Part 86
Rehabilitation Act of 1973 (Section 504), 29 USC §794
Civil Service Law, Article 14

Adoption date: May 8, 2007

Revised:

STAFF COMPLAINTS AND GRIEVANCES REGULATION

Definitions

1. *Grievant* shall mean an employee who alleges that there has been a violation of Title IX, Section 504 or the Americans with Disabilities Act (ADA) statute or regulations which affect him/her.
2. *Grievance* shall mean any alleged violation of Title IX, Section 504 or ADA statute or regulations.
3. *Compliance Officer* shall mean the employee designated by the Board of Education to coordinate efforts to comply with and carry out responsibilities under Title IX, Section 504 and the ADA.

This regulation and accompanying policy (9140.1) provides the grievance procedures for those employees not covered by collective bargaining agreements or whose negotiated agreements do not include grievance procedures. The resolution of staff complaints alleging any action prohibited by Title IX, Section 504 of the Rehabilitation Act or the ADA shall be dealt with in the following manner:

Stages

A. Stage I--Compliance Officer

1. Within thirty (30) days after the events giving rise to the grievance, the grievant shall file a grievance in writing with the Compliance Officer. The Compliance Officer may informally discuss the grievance with the grievant. He/She shall promptly investigate the complaint. All employees of the District shall cooperate with the Compliance Officer in such investigation.
2. Within fifteen (15) days of the receipt of the grievance, the Compliance Officer shall make a finding in writing that there has or has not been a violation of Title IX, Section 504 of the Rehabilitation Act or the ADA. In the event the Compliance Officer finds that there has been a violation, he/she shall propose a resolution of the complaint.
3. If the grievant is not satisfied with the finding of the Compliance Officer, or with the proposed resolution of the grievance, the grievant may, within fifteen (15) days after he/she has received the report of the Compliance Officer, file a written request for review by the Superintendent of Schools.

B. Stage II--Superintendent of Schools

1. The Superintendent may request that the grievant, the Compliance Officer, or any member of the District staff present a written statement to him/her setting forth any information that such person has relative to the grievance and the facts surrounding it.
2. The Superintendent shall notify all parties concerned as to the time and place when an informal hearing will be held where such parties may appear and present oral and written statements supplementing their position in the case. Such hearing shall be held within fifteen (15) school days of the receipt of the appeal by the Superintendent.
3. Within fifteen (15) days of the hearing, the Superintendent shall render his/her determination in writing. Such determination shall include a finding that there has or has

not been a violation of Title IX, Section 504 of the Rehabilitation Act or the ADA, a proposal for equitably resolving the complaint.

4. If the grievant is not satisfied with the determination of the Superintendent, the grievant may, within fifteen (15) days after its receipt, file with the Clerk of the Board of Education, a written request for review by the Board.

C. Stage III--Board of Education

1. When a request for review by the Board has been made, the Superintendent shall submit all written statements and other materials concerning the case to the President of the Board.
2. The Board shall notify all parties concerned of the time and place when a hearing will be held. Such hearing will be held within fifteen (15) school days of the receipt of the request of the grievant. All parties concerned shall have the right to present further statements and testimony at such hearing.
3. The Board shall render a decision in writing within fifteen (15) days after the hearing has been concluded.

Adoption date: May 8, 2006

Readopted:

STAFF-STUDENT RELATIONS(NON-FRATERNIZATION)

The Board of Education is committed to avoiding any situation in which the existence of inappropriate relationships occurs between District staff members and the students they serve. As per the District's Code of Conduct, relationships should "maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn". Therefore, undue fraternization or familiarity with students regardless of their age or whether or not the behavior is consensual is prohibited, regardless of whether the occurrence takes place on or off school property, during or outside of regular school hours. Every employee of the District, whether paid or unpaid, shall adhere to the following standards of conduct.

This policy is set forth to describe the appropriate relationship(s) between District staff members and the students they serve.

Definitions

1. *Staff* shall mean all members of the District's workforce. Further, *staff* shall be understood to encompass any individual who is employed by the Yonkers Public Schools including, but not limited to, full or part-time employees, interns, student interns, mentors, partners, or contractors; as well as all individual who works in an unpaid capacity of any kind, including, but not limited to, volunteers, interns, student interns, mentors, partners; and/or, the employees or volunteer staff of any of the heretofore mentioned individuals.
2. *Student* shall mean any individual who is enrolled in the Yonkers Public Schools.

Prohibited Conduct

All staff members must set proper boundaries and are required to uphold professional relationships with students. The following list of conduct includes, but is not limited to, the types of conduct which may result in disciplinary action.

- Engaging in a sexual or romantic relationship with student(s)
- Inappropriate touching, sexual contact and/or sexual relations
- Inappropriate displays of affection
- Entertaining or socializing with students, either during or outside of class time, in a manner by which the perception of a relationship, other than a professional one, exists
- Sexually explicit or suggestive comments
- Initiating, continuing or otherwise engaging in inappropriate personal communications in any form or manner with students unrelated to course work, official school matters or concerns regarding a student's welfare or safety. This includes inappropriate communication through professional and/or personal means, such as, but not limited to, sending letters, notes, photos or other communication via phone, text, email, social media, school applications such as CLEVER, Microsoft Teams, or Schoology, group chats, other software or applications (e.g. Instagram, TikTok, or SnapChat), etc.
- Promoting, providing or sharing pornographic materials

- Offering or giving of inappropriate personal gifts
- Providing alcohol or drugs (prescription or illegal) to students, regardless of age, with the exception of medication provided in accordance with Board of Education Policy (5420)
- Unauthorized transporting of students. Transportation may only be deemed authorized when a student's parent/guardian/person in parental relation has provided written consent and the Superintendent and/or designee has authorized such transportation in writing, in advice.

District Responsibility

The principal of each school shall be responsible for informing students and staff of the requirements of this policy, including the duty to report any inappropriate staff-student relations. The District's policy (or a summary thereof) shall be disseminated as appropriate to all staff. Additionally, the District's Code of Conduct shall address this topic.

Reporting

- Duty to Report. Any person with knowledge or suspicion of an inappropriate relationship between a staff member and student shall immediately report the conduct to the Building Principal, Pupil Support Services or the Superintendent of Schools.
- Protection from Retaliation. Any staff member who provides disclosure of a suspected fraternization violation, or who cooperates with inquiries or investigations of such violations, shall be afforded protection against retaliation in accordance with the "Whistleblower" Protection as outlined in Board Policy 9645, Disclosure of Wrongful Conduct.

Disciplinary Sanctions

Any staff member who engages in inappropriate conduct with a student, prohibited by the terms of this policy, shall be subject to appropriate disciplinary measures up to and including termination of employment in accordance with legal guidelines, Yonkers Public Schools' policy and regulations. A violation of this policy may also subject the employee to criminal and/or civil sanctions as well as disciplinary action by the State Education Department.

Ref: Title IX of the Education Amendments of 1972, 20 USC §§1681 et seq.
Education Law Article 23-B
Social Services Law §411-428
8 NYCRR Part 83

Cross-Ref: 5300, Code of Conduct
5420, Student Health Services
9620, Child Abuse in Educational Setting
9645, Disclosure of Wrongful Conduct

Adoption date: December 19, 2012

Revised:

RECRUITING AND HIRING

The Board of Education believes that the quality of the District's employees in large part determines the quality of the education offered to the District's students. As the employer for the District, the Board will provide and maintain qualified and certified instructional and support personnel to carry out the educational programs of the District.

The Human Resources department shall oversee the recruiting and hiring program to attract, secure and retain the best-qualified staff to meet the needs of students and the District.

New or Revised Positions

The Superintendent will review and approve qualifications for all Central Office administrators. Yonkers Public Schools teachers, guidance counselors, psychologists, and social workers, all work under the certification or license they possess and for which they were hired. In addition to the qualifications that are part of their certification or license, these staff members will follow the guidelines of the Yonkers Federation of Teachers contract. All of the information, pertaining to the job role and job description of members represented by the Yonkers Federation of Teachers, is outlined in their contract.

The Human Resources department shall refer all proposals for the creation or reclassification of all unclassified (non-instructional) positions and a statement of the duties for these positions to the Municipal Civil Service Commission for classification.

The Board directs the Superintendent to maintain a comprehensive, coordinated set of job descriptions, which set forth clear-cut responsibilities for all positions so as to promote harmony, diversity, and efficiency in school operations.

Recruiting

The District will seek the most qualified candidates for vacant positions by recruiting from a variety of sources, including present staff. District employees may apply for all positions for which they meet the certification and other stated qualifications.

The Board and its employees will adhere to the practice of recruiting and hiring personnel without regard to age, color, creed, disability, marital status, national origin, race, religion, sex or any other status protected by federal or state law.

Hiring

Through standard recruiting and hiring procedures for certified and non-certified staff, the Human Resources Department will ensure that candidates for District employment meet all the qualifications set for the positions sought. The District will comply with all the requirements of the Education and Civil Service laws, including any fingerprinting requirements.

The Superintendent must recommend all individuals for employment to the Board. The Board must approve of all individuals who are employed by the District.

Ref: Age Discrimination in Employment Act (ADEA), 29 USC §§ 621 *et seq.*

Americans with Disabilities Act (ADA), 42 USC §§12101 *et seq.*
Civil Rights Act of 1964 (Title VII), 42 USC §§2000e *et seq.*
Rehabilitation Act of 1973 (Section 504), 29 USC §794
Title IX, 20 USC §§1681 *et seq.*
New York State Constitution, article V, §6
Civil Service Law §§22, 40-44, 61(1)
Education Law §§1604(8), 1709(16), 2503(3), 2554(2), 3012(1)(a)
Education Law §§1604(39), 1709(39), 1804(9), 1950(4), 2503(18), 2554(25)
Executive Law §§290 *et seq.*

Adoption date: May 8, 2007

Revised:

CREDIT FOR OUTSIDE SERVICE FOR CERTIFICATED EMPLOYEES

Effective with the adoption of this policy, a claim for initial placement on the salary schedule based upon prior service and experience in a school system outside of the Yonkers Public Schools which has been accredited by a regional accredited association, a State Department of Education, or equivalent authority satisfactory to the Superintendent of Schools shall be granted up to a maximum of ten (10) years.

The full burden of responsibility for submitting a request for initial salary placement and for filing documentary proof rests upon the applicant. The applicant must submit a claim for initial placement on the salary schedule within sixty (60) days of original appointment. The documentary proof provided to the District must include a certified statement from an authorized official of the school system or agency certifying the applicant's satisfactory performance.

Upon verification, the District will grant one credit/step increase for every two full school years of outside service or experience. No credit will be granted for any outside service or experience for a period of less than two full school years in any other school system. Salary placement for outside service shall be made only once and shall be effective from the date of original appointment, provided that a proper claim and documentary proof are on file with the District.

To the extent that the District seeks to fill a position in a Department/Division where there is a shortage of qualified applicants, the Superintendent shall, upon notice to and review by the Board of Trustees, have authorization to offer a prospective employee a salary at a higher step in the salary schedule as he or she deems fit.

Adoption date: July 20, 2011

Revised: September 21, 2016

Revised:

SALARY ADJUSTMENT FOR CERTIFICATED EMPLOYEES

Salary adjustments for additional educational training and preparation shall be made upon the appropriate submission of the required documentation and proof of successful completion of the required courses of study. The burden and responsibility for requesting salary adjustment rests solely upon the applicant. The salary adjustment shall be made in accordance with administrative rules, regulations and requirements and in accordance with the provisions of existing agreements with employee groups.

Adoption date: July 20, 2011

Readopted:

USE OF TIME-OUTS, TIME OUT ROOMS, AND PHYSICAL RESTRAINTS

The Board of Education recognizes its responsibility for ensuring the safety of all students in school buildings, on school grounds, and/or when participating in school activities. The Board further recognizes that students sometimes exhibit inappropriate behaviors that impede learning, interfere with the orderly exercise and performance of school functions, and/or pose an imminent danger to the safety of students and/or staff. In a limited number of cases, the use of seclusion, a time out room, and/or physical restraint may be necessary to address such inappropriate student behavior. The Board acknowledges that the United States Department of Education has indicated there is no evidence that using restraint or seclusion is effective in reducing the occurrence of problem behaviors and therefore these behavior management techniques should be avoided to the greatest extent possible without endangering the safety of students and staff. Therefore, the District will strive to avoid the use of these techniques in most instances and will strictly adhere to federal and state statute and regulation when such techniques are necessary.

The Superintendent of Schools and/or designee is responsible for the implementation and oversight of this policy. Such implementation and oversight shall include the development and implementation of any regulations, procedures, and/or protocols necessary to implement and maintain this policy and/or to comply with federal and state statute and regulation. The Superintendent and/or designee shall also be responsible for monitoring the effectiveness of the use of time out rooms and physical restraints within the District.

Time-Outs and Time Out Rooms

The term time-out refers to a behavioral technique wherein a student's access to the reinforcement that may be maintaining the undesirable or challenging behaviors is removed. When used in conjunction with a behavioral intervention plan (BIP), a time-out removes a student from current classroom activity to facilitate self-control, or remove him/her from a potentially dangerous situation, thereby preparing student for resumption of classroom activities. A time-out does not always require removal of a student to an isolated or secluded setting. Generally, it is agreed that time-outs belong to a continuum of strategies and there are three main types of time-outs: non-exclusionary/inclusionary, exclusionary, and seclusionary/isolation.

For time-outs to be effective, the appropriate staff must:

1. inform parents that time-outs are employed in the setting and the associated process in which they are used;
2. identify the specific maladaptive behavior the time-out is targeting;
3. define where the time-out will occur, bearing in mind the least restrictive environment;
4. determine the appropriate duration of the time-out, keeping in mind that best practices indicate time-outs should be brief (1 – 5 minutes) per occurrence depending on the developmental age of the student;
5. calmly provide the student a warning when approaching behavior that will result in a time-out;
6. ensure the student is observed/monitored/supervised throughout the entire time-out interval;

7. not release the student for additional misbehavior occurring during the time-out interval, so as not to “reward” such misbehavior, thereby reinforcing it; and
8. confer with the Pupil Support Team (PST) on data collection to monitor the effectiveness of time-out use, relative to extinguishing the maladaptive behavior, and on the feedback to provide to parents.

Staff must always use the least restrictive time-out technique necessary to address a student’s inappropriate behavior. The three types of time-outs, from least to most restrictive, can be defined as follows:

1. Non-exclusionary/Inclusionary: In a non-exclusionary or inclusionary time-out, the student remains in the classroom or instructional setting/activity and is allowed to observe, but not actively participate in the ongoing activity of the class.
2. Exclusionary: In an exclusionary time-out, the student is removed from the instructional activity, but not from the room or area of activity; the student is allowed a measure of supervised participation.
3. Seclusionary/Isolation: A seclusionary or isolation time-out typically entails placing the student in a different area such as another room (a time out room) for a specified amount of time.

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/their educational program. When used appropriately, as provided for in federal and state law and regulation, a time out room may be useful to help facilitate a student’s self-control or remove a student from a potentially dangerous situation. The location, size, and access to the time out room must be in conformance with applicable laws and regulations and staff must monitor and/or supervise the time-out room at all times during a student’s time-out. Examples of a time out room may include, but are not limited to, a Calming Room or Sensory Path. Time out rooms shall not be used as a punishment, but rather this behavior modification technique should be used to assist the student and help facilitate appropriate behavior. Should the student’s undesirable behavior persist following the use of a time out room, the Pupil Support Team (PST) should (re)convene to recommend: conducting a Functional Behavioral Assessment to develop, if warranted, a BIP; implementing changes to the student’s BIP; developing a Safety Plan; and/or proposing an initial recommendation to the Committee on Special Education or a recommendation for a Program Review.

Except when necessary in unanticipated situations that pose an immediate concern for the physical safety of a student or others, a time out room shall only be used in conjunction with a BIP designed to teach and reinforce alternative, appropriate replacement behavior(s). Prior to the initiation of a BIP that will incorporate the use of a time out room, the assigned school psychologist or social worker will inform the student’s parent(s)/guardian(s)/person(s) in parental relation. Upon request, the parent(s)/guardian(s)/person(s) in parental relation shall be shown the space that will be utilized as a time out room. In addition, the building principal or designee will provide the parent(s)/guardian(s)/person(s) in parental relation a copy of this policy and any associated regulations, procedures, and/or protocols.

Physical Restraint

For the purposes of this policy, physical restraint shall be defined as a personal restriction that immobilizes or reduces the ability of a student to move his/her/their torso, arms, legs, or head freely. Physical restraint also includes the use of any device or equipment to restrict a student's freedom of movement. This term shall not include devices implemented by trained school personnel, or utilized by a student, which have been prescribed by appropriate medical or related services professional, are used for the specific and approved purposes for which such devices were designed, and are documented in the student's Individualized Education Plan (IEP) or 504 Plan. Generally, the use of physical restraint and/or force against a student is strictly prohibited and such use of force may be deemed child abuse in an educational setting. However, in accordance with §19.5 of the Regulations of the Commissioner of Education, in situations in which alternative procedures and methods not involving the use of physical force cannot reasonably be employed, the use of reasonable physical force may be permitted to:

1. protect oneself from physical injury;
2. protect another pupil or teacher or any person from physical injury;
3. protect the property of the school, the school district, or others; or
4. restrain or remove a pupil whose behavior is interfering with the orderly functioning of the school, if that student has refused to comply with a request to refrain from further disruptive acts.

The use of physical restraint and/or force shall be permitted only as an emergency intervention in such situations as enumerated above when immediate intervention is necessary and no other approach would be effective in controlling the student's behavior. Staff shall not use physical restraint and/or force as a punishment or as a substitute for systematic behavioral interventions designed to change, replace, modify, or eliminate inappropriate behavior.

The District shall document the use of emergency interventions/physical restraint for each student. The documentation shall include the student's name and date of birth, the setting and location of the incident, the staff members involved, any other students or persons involved, a description of the incident and the intervention used, the duration of the incident, a list of the non-physical interventions attempted, a statement as to whether the student has a current BIP, and details of any injuries sustained by either the student or others as a result of the incident. The building principal shall be responsible for ensuring proper documentation is completed and maintained for each use of emergency intervention/physical restraint. Through the PST process, the building principal and, as necessary, the school nurse or other medical personnel shall review documentation of emergency interventions. The building principal or designee shall notify the student's parent(s)/guardian(s)/person(s) in parental relation of each incident of emergency intervention and shall send a copy of the documentation to the Superintendent and the Director of Pupil Support Services and/or their designees.

Prohibition on the Use of Aversive Behavioral Interventions

The Board of Education hereby prohibits the use of all aversive behavioral interventions within the District. As defined in §19.5 of the Regulations of the Commissioner of Education, an aversive behavioral intervention is an intervention that is intended to induce pain or discomfort to a student for the purpose of eliminating or reducing maladaptive behaviors. Such interventions include:

1. contingent application of noxious, painful, intrusive stimuli or activities; strangling, shoving, deep muscle squeezes, or other similar stimuli;
2. any form of noxious, painful, or intrusive spray, inhalant, or tastes;
3. 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;
4. movement limitation used as a punishment, including, but not limited to, helmets and mechanical restraint devices; or
5. other stimuli or actions similar to the interventions described above.

Aversive behavioral interventions do not include such interventions as:

1. voice control, limited to loud, firm commands
2. time-limited ignoring of a specific behavior
3. token fines as part of a token economy system/Positive Behavior Interventions and Supports (PBIS) framework
4. brief physical prompts to interrupt or prevent a specific behavior
5. interventions medically necessary for the treatment or protection of the student; or
6. other similar interventions.

Training

The Board recognizes the District's responsibility to train staff who may be required to implement the use of time out rooms, physical restraints, and/or related behavior management practices on the proper use of such techniques. Such training shall take place annually or as needed and include information on the appropriate, safe, and effective implementation of these techniques as well as the Districts policies, regulations, procedures, and/or protocols related to their use.

The Superintendent of Schools and/or designee shall be responsible for ensuring the District provides training to the appropriate and necessary staff.

Cross-ref: 4321.12 R, Use of Time Out Rooms Regulation
5300, Code of Conduct
9620, Child Abuse in an Educational Setting

Ref: 8 NYCRR §§19.5; 100.2(1); 200.15; 200.22
U.S. Department of Education, *Restraint and Seclusion: Resource Document*, Washington, D.C., 2012

Adoption date:

USE OF TIME OUT ROOMS REGULATION

A time out room is a supervised area for a student to safely deescalate, regain control, and prepare to meet expectations to return to his/her/their educational program. Time out rooms may only be used when necessary in unanticipated situations that pose an immediate concern for the physical safety of a student or others, or in conjunction with a student's behavioral intervention plan (BIP) designed to teach and reinforce alternative, appropriate replacement behavior(s). The District's use of time out rooms shall conform to applicable state regulations.

Physical Requirements

Time out rooms shall allow for continuous visual and auditory monitoring of the student. The room shall be large enough to allow a student to move freely and lay down comfortably. Wall and floor coverings shall be designed to prevent student injury where possible, and there shall be adequate lighting and ventilation. The temperature of the room shall be within the normal comfort range, and consistent with the rest of the building. The room shall be clean and free of objects and fixtures that could be potentially dangerous to a student, and shall meet all local fire and safety codes.

Monitoring, Observation and Supervision

School staff shall continuously monitor the student in a time out room. The staff must be able to see and hear the student at all times. The principal and/or designee shall perform a visual check of the student upon exiting the time out room. Such check shall include a notation of any noticeable injuries.

Prohibition on Locks

Time out rooms or spaces shall be unlocked, and the door must be able to be opened from the inside. The use of locked rooms or spaces for purposes of time out is prohibited.

Time Limitations

The amount of time a student may spend in a time out room will vary with the student's age, individual needs, BIP, and/or the specific circumstances. Best practices suggest that the duration of time-outs must be brief (1 – 5 minutes) per occurrence. Students shall spend only as much time in the time out room as is necessary for them to deescalate, regain control, return to their educational programs, or no longer pose a concern for the physical safety of themselves or others. Students shall not be in a time out room for more than the maximum amount of time specified in their BIP. Where a time out room is utilized for an unanticipated, emergency situation rather than in conjunction with a BIP, the maximum time to be spent in a time out room shall be fifteen (15) minutes. If a student is still not ready to return to the educational program after the maximum allotted time, the student shall be provided with further interventions consistent with the student's BIP or IEP, or actions reasonably calculated to assist the student, if the student does not have a BIP or IEP.

Precipitating Factors

The factors that may lead to the use of a time out room will depend on the particular student. Generally, a student may require the use of a time out room when the student needs to deescalate, regain control, and prepare to meet expectations to return to his/her/their education program. A

student in need of a time out room may be unable to control his/her/their actions, overwhelmed, overstimulated, exhibiting violent actions, or posing a danger to self or others.

IEP Requirements

For a student with a disability, the student's IEP shall specify when the student's BIP includes the use of a time out room, including the maximum amount of time the student may be in a time out room as a behavioral consequence, as determined on an individual basis, in consideration of the student's age and individual needs. The BIP shall be designed to teach and reinforce alternative appropriate behaviors.

Staff Training

All staff authorized to place a student in a time out room shall receive training on the procedures for placing a student in a time out room, including situations warranting use of a time out room, IEP requirements, continuous monitoring, time limitations, and data collection. Only trained staff authorized by the building principal and/or designee may place a student in a time out room. Staff not authorized to place a student in a time out room shall receive training on what to do and who to contact if a student is exhibiting behaviors indicating the need for use of the time out room.

Data Collection to Monitor Effectiveness

The District shall document the use of time out rooms and monitor the effectiveness of the use of time out rooms to decrease the behaviors that led to the use of the rooms. Such documentation will include a record for each student placed in a time out room. Each record shall include, for each use of the time out room, the date, time, duration of stay, precipitating factors, staff members involved, and the student's behaviors/condition before, during, and after use of the time out room. The building principal and/or designee shall ensure the appropriate staff record and maintain the required information. Copies of these records shall be shared with the appropriate Pupil Support Team (PST) members after each use of the time out room. Through the PST process, appropriate staff shall meet regularly as needed to review the effectiveness of the time out room for each student placed in one. Additionally, the building principal and/or designee shall submit copies of all records and report on the use and effectiveness of time out rooms on a monthly basis to the Director of Special Education Compliance. The Director of Special Education Compliance will then report to the Superintendent and/or designee quarterly.

Parent/Guardian Rights and Information

The assigned school psychologist or social worker shall inform a student's parent(s)/guardian(s)/person(s) in parental relation prior to the initiation of a BIP for their child which will incorporate the use of a time out room. Upon request, parent(s)/guardian(s)/person(s) in parental relation shall be given the opportunity to see the physical space used as a time out room. The building principal or designee shall provide a copy of the District's policy on the use of time out rooms (policy 4321.12, Use of Time-Outs, Time Out Rooms, and Physical Restraints) and this regulation as well as any other associated regulations, procedures, or protocols on the use of time out rooms. Each time a student is placed in the time out room, the building principal and/or designee shall notify the student's parent(s)/guardian(s)/person(s) in parental relation.

Adoption date:

GUIDING PRINCIPLES ON THE USE OF RESTRAINT AND SECLUSION

The Board of Education hereby adopts the following principals, set forth by the United States Department of Education, as the guiding framework for developing and implementing policies, regulations, procedures, and/or protocols related to the restraint and seclusion of students.

1. Every effort should be made to prevent the need for the use of restraint and for the use of seclusion.
2. Schools should never use mechanical restraints to restrict a child's freedom of movement, and schools should never use a drug or medication to control behavior or restrict freedom of movement (except as authorized by a licensed physician or other qualified health professional).
3. Physical restraint or seclusion should not be used except in situations where the child's behavior poses imminent danger of serious physical harm to self or others and other interventions are ineffective and should be discontinued as soon as imminent danger of serious physical harm to self or others has dissipated.
4. Policies restricting the use of restraint and seclusion should apply to all children, not just children with disabilities.
5. Any behavioral intervention must be consistent with the child's rights to be treated with dignity and to be free from abuse.
6. Restraint or seclusion should never be used as punishment or discipline (e.g., placing in seclusion for out-of-seat behavior), as a means of coercion or retaliation, or as a convenience.
7. Restraint or seclusion should never be used in a manner that restricts a child's breathing or harms the child.
8. The use of restraint or seclusion, particularly when there is repeated use for an individual child, multiple uses within the same classroom, or multiple uses by the same individual, should trigger a review and, if appropriate, revision of strategies currently in place to address dangerous behavior; if positive behavioral strategies are not in place, staff should consider developing them.
9. Behavioral strategies to address dangerous behavior that results in the use of restraint or seclusion should address the underlying cause or purpose of the dangerous behavior.
10. Teachers and other personnel should be trained regularly on the appropriate use of effective alternatives to physical restraint and seclusion, such as positive behavioral interventions and supports and, only for cases involving imminent danger of serious physical harm, on the safe use of physical restraint and seclusion.
11. Every instance in which restraint or seclusion is used should be carefully and continuously and visually monitored to ensure the appropriateness of its use and safety of the child, other children, teachers, and other personnel.
12. Parents should be informed of the policies on restraint and seclusion at their child's school or other educational setting, as well as applicable Federal, State, or local laws.
13. Parents should be notified as soon as possible following each instance in which restraint or seclusion is used with their child.
14. Policies regarding the use of restraint and seclusion should be reviewed regularly and updated as appropriate.
15. Policies regarding the use of restraint and seclusion should provide that each incident involving the use of restraint or seclusion should be documented in writing and provide for the collection of specific data that would enable teachers, staff, and other personnel to understand and implement the preceding principles.

Adoption date:

DISPLAY OF THE FLAG

The Board of Education believes that the flag of the United States is a symbol of the values of our nation, the ideals embedded in our Constitution, and the spirit that should animate our District.

The District shall purchase a United States flag, flagstaff, and the necessary appliances for its display upon or near every school building. There shall be a flag on display in every assembly room of every school as prescribed by the commissioner of education.

The flag shall be flown at full- or half-staff pursuant to law. In addition, the flag may be flown at half-staff to commemorate the death of a present or former Board member, present employee, teacher, student, clerk, or custodian.

Consistent with federal and state law and regulations and this policy, the Superintendent of Schools and/or designee shall develop rules and regulations for the proper custody, care, and display of the flag.

Ref: 4 USC §§5 – 9
Education Law §§418 – 420
Executive Law §§400 – 403
8 NYCRR Part 108
Lapolla v. Dullaghann, 63 Misc 2d 157 (1970)

Adoption date: May 8, 2007

Revised:

INSURANCE

The District shall maintain a program of insurance protection consistent with sound insurance principles. The Board of Education shall select a broker who will advise it in the purchase and/or administration of the District's insurance policies.

In its discretion, the Board shall obtain the type and amount of insurance it deems appropriate to protect itself as a corporate body, its individual members, its appointed officers, and its employees from financial loss arising out of any claim, demand, suit, or judgment by reason of alleged negligence or other act resulting in accidental bodily injury to any person or accidental damage to the property of any person within or without the school buildings while the above-named insured are acting in the discharge of their duties within the scope of their employment and/or under the direction of the Board. Such purchase will take into account the price of insurance, appropriate deductibles, and other relevant factors. Records of all insurance policies will be maintained by the Superintendent of Schools and/or designee.

The Superintendent and/or designee shall have general knowledge of the provisions of all insurance policies carried by the District. At the time of accident or loss, the Superintendent or designee will see that action is taken necessary to protect the interests of the District.

The Superintendent and/or designee shall annually review the District's insurance program for the purpose of recommending to the Board adjustments in coverage resulting from, but not limited to, expansion of the District's risks, relevant new laws, and superseding conditions which make changes in coverage appropriate.

The Board assumes no responsibility for the activities of any employee that involves students, programs, services, or functions outside of their assigned duties, unless the individual received prior approval for such activity from the Superintendent.

Ref: Education Law §§1709; 2554; 3023; 3028; 3811
General Municipal Law §§50-b; 50-e
Public Officers Law §18

Adoption date: May 8, 2007

Revised: