

April 2024

TO: BOCES District Superintendents  
School District Superintendents  
Superintendents of Special Act School Districts  
Superintendents of State-Operated Schools  
Superintendents of State-Supported Schools  
Public School Administrators  
Charter School Leaders  
Special Education Directors  
Chairpersons of Committees on Special Education  
Chairpersons of Committees on Preschool Special Education  
Administrators of Nonpublic Schools with Approved Special Education Programs  
Organizations, Parents, and Individuals Interested in Special Education

FROM: Maribeth Barney

Christopher Suriano

SUBJECT: Updates to Behavioral Supports and Interventions in Schools

Effective August 2, 2023, the Board of Regents adopted the [amendment](#) of Section 19.5, of its Rules of the Board of Regents, and changes to Commissioner's Regulations Sections 100.2, 200.1, 200.7, 200.15, and 200.22 regarding the prohibition of corporal punishment, aversive interventions, prone restraint, and seclusion; permitted use of timeout and restraint; data collection; and changes to Part 200 of the Commissioner's Regulations relating to Students with Disabilities to secure alignment with Section 19.5.

These provisions were revised to ensure student health and safety by strengthening the authority of the New York State Education Department (NYSED) to ensure that behavioral supports and interventions are used safely, carried out in accordance with research-based practices, and with the highest standards of oversight, monitoring, and data collection.

The Frequently Asked Questions are provided as guidance to these updated regulations and will continue to be updated.

[Resources for Further Information](#)

General questions regarding these regulations may be emailed to [StudentSupportServices@nysed.gov](mailto:StudentSupportServices@nysed.gov).



# Updates to Behavioral Supports and Interventions in Schools: Frequently Asked Questions

The University of the State of New York  
The State Education Department  
Office of Student Support Services  
Office of Special Education



Released January 2024  
Updated April 2024  
Revised December 2024

## Introduction

Effective August 2, 2023, the Board of Regents adopted the [amendment](#) of Section 19.5, of its Rules of the Board of Regents, and changes to Commissioner's Regulations Sections 100.2, 200.1, 200.7, 200.15, and 200.22 regarding the prohibition of corporal punishment, aversive inte

# Updates to Behavioral Supports and Interventions: Questions and Answers

Table of Contents

Page



&RUSRU

carrying out a law enforcement arrest of a student and the use of handcuffs is necessary for the safety of the student and others [8 NYCRR §19.5(c)(2)].



Physical restraint may be used 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 [8 NYCRR §19.5(d)(2)].

Note: Physical restraint cannot be used with preschool students attending a preschool program that is licensed by the New York State Office of Children and Family Services or the New York City Department of Health and Mental Hygiene [18 NYCRR § 418-1.9; 24 RCNY §§ 47.01(f) and 47.67(a)].

C-2) W





All staff shall receive annual training on the school's policies and procedures related to the use of timeout and physical restraint; evidence-based positive, proactive strategies;

use of timeout or physical restraint on students with disabilities. Section 19.5 requires schools to develop procedures to ensure same day notification to a parent/guardian when certain behavioral interventions are used [8 NYCRR §19.5(d)(3)(i)]. A copy of the documentation of the incident should be provided to the affected student's parent/guardian within three school days of the use of timeout or a physical restraint [8 NYCRR §19.5(d)(3)(ii)].

D-2) What documentation is required after the use of timeout or a physical restraint?

Section 19.5 requires schools to maintain documentation of each incident involving the use of timeout, including timeout used in conjunction with a student's behavioral intervention plan consistent with 8 NYCRR §200.22(c), and/or physical restraint on each student. Documentation of each incident shall be maintained by the school and made available for review by NYSED upon request [8 NYCRR §19.5(d)(4)(iii)].

Under Section 19.5(d)(4)(i), schools shall maintain documentation of each incident including the following :





“[A]gent” (of a school) 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.

Please see [Q&A D-5](#): All staff shall 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, prevention procedures, and de-escalation techniques [8 NYCRR §19.5(d)(7)(i)]. In addition to the training requirements for all staff, 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 NYCRR §19.5(d)(7)(ii)]. Training programs and specific personnel training requirements are determined at the local school level.

Education Law 2801-a requires that comprehensive district-wide safety plans include collaborative arrangements with state and local law enforcement officials, designed to ensure that school safety officers and other security personnel are adequately trained, including being trained to de-escalate potentially violent situations. Additionally, school districts that employ, contract or otherwise retain law enforcement or public or private security personnel, including school resource officers, are required to have a written contract or memorandum of understanding (MOU) that includes the roles, responsibilities and involvement of law enforcement or security personnel within a school and clearly delegate the role of school discipline to the school administration and that schools define the roles and areas of responsibility of security personnel and/or law enforcement in response to student misconduct.

To assist school districts and charter schools in considering topics for inclusion in a MOU, the Department recommended a [list](#) which includes items such as “[w]hen school staff can request SRO intervention,” “integration of SRO into school community,” and “other interactions with students.” Districts may want to review and update MOUs in consideration of the updated regulations.

D-9) The amendments require that all staff shall 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. Does “all staff” include non - student facing positions such as bus mechanics or central office staff? Does this include part -time extracurricular staff such as coaches, referees, lifeguards, and club advisors?

Please see [Q&A D-5](#)



timeout and physical restraint procedures [8 NYCRR §19.5(d)(7)(ii)]. Training programs and specific personnel training requirements are determined at the local school level.

## E) Annual Reporting

E-1) Which entities must report on the use of timeout and physical restraint to NYSED?

All entities must report on the use of timeout and physical restraint to NYSED. This includes all public and private schools, charter schools, and nonpublic schools. Reporting is required for all students, including those with disabilities. The reporting requirements are detailed in the regulations at 8 NYCRR §19.5(d)(7)(ii).

By contrast, when a school calls a local police department or sheriff's agency to respond to an incident, the actic,5wh: (i)6 (d) 2.48 00470003>-8enf(he a ( s)1(e d)1m)17t,h26 (c)4 (et)2 (i)6 (h