

**USE OF PHYSICAL RESTRAINTS AND  
AVERSIVE BEHAVIORAL INTERVENTIONS**

The use of a physical restraint or aversive behavioral intervention will be in conformance with a child's Individual Education Program (IEP). Staff will adhere to Federal and New York State statutes and regulations in the administration of these measures. *It is noted that Mahopac Central School District does not use aversive behavioral interventions in the programs operated by the Mahopac Central School District.*

Physical Restraints

*General Information*

Physical restraints may only be used in emergency situations where the student's behavior poses an immediate concern for the physical safety of the student or others and where no other approach would be effective in controlling such behavior. Staff will not use physical restraint as a substitute for systematic intervention to modify inappropriate behavior. Staff who may be called upon to physically restrain a student will be trained in safe, effective ways to do so.

Documentation

The school must maintain documentation on the use of physical restraints for each student, which shall include the name and date of birth of the student; the setting and location of the incident; the name of the staff or other persons involved; a description of the incident and the physical restraint used, including duration; a statement as to whether the student has a current behavioral intervention plan; and details of any injuries sustained by the student or others, including staff, as a result of the incident. The parent of the student shall be notified and documentation of physical restraints shall be reviewed by school supervisory personnel and, as necessary, the school nurse or other medical personnel.

Aversive Behavioral Interventions

General Information

The use of aversive behavioral interventions to address inappropriate behavior by students with disabilities is prohibited unless the District has made an application to the New York State Commissioner of Education for their use in child-specific cases and the Commissioner determines that such an exception is warranted. An aversive behavioral intervention, as defined in §19.5 of the Rules of the Board of Regents, shall not be the sole or primary approach to modifying inappropriate behavior. This approach will be limited to self-injurious or aggressive behaviors identified on the child's IEP. This approach may be used only if such intervention is recommended by the Committee on Special Education (CSE) or Committee on Preschool Special Education (CPSE),

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consistent with the student's IEP and Behavioral Intervention Plan (BIP) as determined by the CSE or CPSE. If the CSE or the CPSE is considering the use of aversive behavioral intervention for a specific child, the CSE or CPSE must submit an application to the New York State Commissioner of Education. Under §200.22(e) of the Commissioner's Regulations, a child-specific exception to the prohibition of the use of aversive interventions may be granted for a school-aged student, only during the 2006-2007, 2007-2008 and 2008-2009 school years; provided that a student whose IEP includes the use of aversive interventions as of June 30, 2009 may be granted a child-specific exception in each subsequent school year, unless the IEP is revised to no longer include such exception. No child-specific exception will be granted for a preschool student. If the application is approved, and if the CSE or CPSE decides to incorporate the intervention into the IEP, the CSE or CPSE must so notify the Commissioner.

Aversive behavioral interventions is defined to mean:

- Application of noxious, painful, intrusive stimuli or activities intended to induce pain such as electric shock, ice applications, hitting, slapping, pinching, kicking, hurling, strangling, shoving, deep muscle squeezes or other stimuli;
- Any form of noxious, painful or intrusive spray, inhalant or tastes;
- Withholding sleep, shelter, bedding, bathroom facilities or clothing;
- Contingent food programs that include withholding meals or limiting essential nutrition or hydration 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 restraint devices;
- The placement of a child unsupervised or unobserved in a room from which the student cannot exit without assistance, or
- Other stimuli or actions similar to the interventions described above.

Aversive behavioral interventions do 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 specific behavior; interventions medically necessary for the treatment or protection of the student; or similar interventions.

Ref.: 8 N.Y.C.R.R. § §200.1; §200.3; §200.4; 200.22  
8 N.Y.C.R.R. §19.5

ADOPTED DATE: March 15, 2012