

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2024

5321

Non-Instructional/Business Operations

SUBJECT: USE OF THE DISTRICT CREDIT CARD

The District may issue a credit card or cards in its name for the use of its officers and designated employees for authorized, reimbursable, school business related expenses. Only those officers and District personnel designated by the Board shall be authorized for the use of a District credit card. The credit card(s) shall be locked in a secure place in the District office. Any other reason for credit card use must be approved by the Assistant Superintendent for Administrative Services, prior to use.

This credit card will only be for those purchases of goods and services that require a credit card and do not accept other payment methods. **Authorized personnel must submit purchase orders for business related expenses prior to the use of the credit card absent exigent circumstances and written approval from the Assistant Superintendent of Administrative Services. If actual costs are not certain at the time (e.g. conference attendance and related travel or lodging), the costs shall be estimated and noted as such in the purchase order.** Expenses incurred on each credit card shall be paid in such a manner as to avoid interest charges. ~~Authorized personnel must submit purchase orders for those school business related expenses, such as tuition charges for attendance at conference, travel expenses, and lodging, where costs may be fairly and accurately estimated prior to the actual incurring of expenses.~~

Any individual who makes an unauthorized purchase with a District credit card, **including any unauthorized use of promotional reward points (or the like) that were earned through purchases made on the District credit card,** shall be required to reimburse the District for the purchase. No alcoholic beverage purchases may be made using the District credit card, nor will reimbursement be made for charges of any kind on a receipt which includes the purchase of an alcoholic beverage.

Adoption Date: 04/24/2023 **04/29/2024**

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2019 **2024** 6140

Personnel

SUBJECT: EMPLOYEE MEDICAL EXAMINATIONS

Preemployment Medical Examinations

In accordance with the Americans with Disabilities Act, as amended, the District shall not require applicants for positions to undergo a medical examination prior to an offer of employment. Further, the District shall not make inquiries of a job applicant as to whether the applicant is an individual with a disability or as to the nature or severity of a disability.

However, the District may make preemployment inquiries into the ability of an applicant to perform job related functions.

Employment Entrance Examinations

All entering employees are required to obtain a drug screening after an offer of employment has been made and prior to the commencement of the employment duties of such applicant. Further, the District may condition an offer of employment on the results of the examination in accordance with law. The cost of the screening shall be borne by the District.

The Board reserves the right to request a medical examination at any time during employment, at District expense, in order to determine whether any employee can perform the essential functions of the position with or without reasonable accommodation.

Annual or more frequent examinations of any employee may be required, when, in the judgment of the school physician/nurse practitioner and the Superintendent, such procedure is deemed necessary.

Each vendor/contract bus company shall ensure that its bus drivers and substitute bus drivers shall have yearly physical examinations. Each bus driver initially employed by the vendor/contract bus company shall have a physical examination within the four (4) weeks prior to the beginning of service. In no case shall the interval between physical examinations exceed a thirteen-month period.

All medical and health related information will be kept in accordance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

Examinations and Inquiries

Acceptable

The District may provide voluntary medical services, which are part of an employee health program available to employees at that work site. The District may make inquiries into the ability of an employee to perform job related functions.

Prohibited

The District shall not require a medical examination and shall not make inquiries as to whether such employee is an individual with a disability or as to the nature or severity of the disability, unless the examination or inquiry is shown to be job related and consistent with business necessity.

Americans with Disabilities Act Amendments Act, (ADAAA) of 2008, Public Law 110-325)
Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191
45 Code of Federal Regulations (CFR) Parts 160 and 164, Education Law Sections 913 and 3624
8 New York Code of Rules and Regulations (NYCRR) Section 156.3(2)
10 New York Code of Rules and Regulations (NYCRR) Part 14
15 New York Code of Rules and Regulations (NYCRR) Part 6

Adoption Date: ~~11/19/2019~~ **04/29/2024**

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

~~2021~~2024 6150

Personnel

SUBJECT: ALCOHOL, TOBACCO, DRUGS, AND OTHER SUBSTANCES (STAFF)

Prohibited Conduct

The District, recognizing that students are often influenced by teachers and other members of a school's staff, impresses upon staff the importance of maintaining a high level of professionalism appropriate to their position, which, in turn, will set a positive example for students.

Accordingly, when in the workplace or when the effects of these actions may impair job performance, staff are prohibited from consuming, sharing, selling, using, and/or possessing:

- a) Illegal drugs;
- b) Cannabis (marijuana) or any other controlled substance in schedules I through V of the Controlled Substances Act;
- c) Counterfeit and designer drugs;
- d) Drug paraphernalia; or
- e) Alcohol.

Exceptions may exist for authorized medical cannabis use.

Additionally, the misuse and/or unprescribed use of prescription and over-the-counter drugs is prohibited in the workplace or when the effects of these actions may impair job performance. Further, all staff are bound by the conduct prohibitions contained in District policy #5640 - Smoking, Tobacco, and Cannabis (Marijuana) Use.

Disciplinary Measures

Staff will be informed of the range of penalties or consequences, up to and including, termination of employment, that may be imposed for engaging in prohibited conduct. Penalties and consequences will be in accordance with any applicable law, District policy, collective bargaining agreement, and/or other similar document.

Information on Substance Use Related Services

The Superintendent has designated one or more individuals to provide information regarding where and how to find available substance use related services to students, parents, and staff.

- Assistant Superintendent for Administrative Services
- School Counselors
- School Social Workers

Any information provided by a student, parent, or staff member to the designated individual(s) will not be used in any school disciplinary proceeding and will, in addition to any other applicable privilege, be considered confidential in accordance with law.

20 USC §§ 6083(a), 7118, and 7973(a); 41 USC § 8101 et seq.; Cannabis Law § 127; Civil Service Law § 75; Education Law §§ 409, 2801, 3020-a, and 3038; Labor Law § 201-d; Penal Law § 222.10; Public Health Law §§ 1399-n and 1399-o

NOTE: Refer also to Policies #3410 - Code of Conduct
#5640 - Smoking, Tobacco, and Cannabis (Marijuana) Use
#7320 - Alcohol, Tobacco, Drugs, and Other Substances (Students)
District Code of Conduct

Adoption Date: ~~10/25/2021~~04/29/2024

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

~~2019~~2024

6151

Personnel

SUBJECT: DRUG-FREE WORKPLACE

It shall be the general policy of the Board to affirm that all programs in the District that receive Federal funds shall guarantee that their workplaces are free of controlled substances. "Controlled substance" means a controlled substance in schedules I through V of Section 202 of the Controlled Substances Act (21 USC 812) and as further defined in regulation at 21 Code of Federal Regulations (CFR) Sections 1308.11-1308.15. An acknowledgment form shall be signed by the Superintendent indicating that the District is in full compliance with the Drug Free Workplace Act. This policy shall guarantee that not only Federally funded programs, but the entire District is free of controlled substances.

"Workplace" is defined as a school building or other school premises; any school owned vehicle or any other school approved vehicle used to transport students to and from school or school activities; off school property during any school sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the District.

The Board directs the administration to develop regulations to comply with this policy, and further supports such actions and activities of the administration as shall be required to maintain a drug free workplace.

Drug-Free Workplace Act, 20 United States Code (USC) Section 7101 et seq. 21 United States Code (USC) Section 812 21 Code of Federal Regulations (CFR) Sections 1308.11-1308.15 34 Code of Federal Regulations (CFR) Part 85

Adoption Date: ~~11/19/2019~~04/29/2024

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

~~2022~~2024

6160

Personnel

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SUBJECT: PROFESSIONAL GROWTH/STAFF DEVELOPMENT

The District will work to provide staff with professional learning opportunities. These opportunities will be designed to foster the professional growth of staff, help staff remain current with their profession, and meet the learning needs of students. Opportunities that may be provided for, include, but are not limited to:

- a) Planned in-service programs, courses, seminars, and workshops offered both within and outside the District.
- b) Videoconferences, prerecorded videos, and/or online discussion boards.
- c) Visits to other classrooms and schools, as well as attendance at professional meetings, for the purpose of improving instruction and/or educational services.
- d) Orientation or re-orientation of staff members to program and/or organizational changes, as well as District expectations.

Attendance at professional learning programs must be directly related to the duties and responsibilities of the staff member. Consequently, staff members are encouraged to participate in the planning of staff development programs designed to meet their specific needs.

Staff members are also encouraged to continue their formal education, as well as to attend work-related workshops, conferences, and meetings.

Funds for participating in conferences, conventions, and other similar professional learning programs will be budgeted for by the Board on an annual basis. Reimbursement to staff members for all actual and necessary registration fees, expenses of travel, meals and lodging, as well as all necessary tuition fees incurred in connection with attendance at conferences, will be in accordance with District documents which address conference attendance and expense reimbursement.

Professional Learning Plans

By September 1 of each school year, the District will adopt or, in the case of multi-year plans, readopt a professional learning plan that meets the content requirements specified in the Commissioner's regulations.

The professional learning plan will be structured in a format consistent with the Commissioner's guidelines and will include, among other things, a description of:

- a) The professional learning activities provided to all professional staff and supplementary school personnel who work with students with exceptional learning needs, particularly students with disabilities, English language learners, students who are gifted and talented, and students with low literacy levels, to enable them to identify these students and provide instruction based on the needs of these students.
- b) How professional learning related to educator practice and curriculum development are culturally responsive and reflect the needs of the community that the District serves.
- c) Expected participation in continuing teacher and leader education (CTLE), as well as other professional learning opportunities provided by the District.

The professional learning plan will be developed through collaboration with a professional learning team. The Board will appoint the members of this team in accordance with the Commissioner's regulations.

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LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

~~2022~~2023

6160

Personnel

2 of 2

SUBJECT: PROFESSIONAL GROWTH/STAFF DEVELOPMENT

Mentoring Program

The District's professional learning plan will include a provision for a mentoring program. The purpose of the mentoring program is to provide guidance and support for educators who hold an initial certificate in the classroom teaching service or as a school building leader to ease the transition from teacher and school building leader preparation to practice in order to increase retention of teachers and school building leaders. Additionally, the mentoring program is intended to increase the skills of new teachers and school building leaders in order to improve student achievement.

The mentoring program will be developed and implemented consistent with any collective bargaining agreement.

Education Law §§ 1604, 1608, 1716, 1950, 2118, and 2601-a
General Municipal Law §§ 77-b and 77-c
8 NYCRR §100.2(dd)

NOTE: Refer also to Policies #6161 - Conference/Travel Expense Reimbursement
#6217 - Registration and Professional Learning

Adoption Date: ~~03/28/2022~~04/29/2024

LEWISTON-PORTER CENTRAL SCHOOL

~~2023~~2024 6161

Personnel 1 of 2

SUBJECT: CONFERENCE/TRAVEL EXPENSE REIMBURSEMENT

Conference travel will be for official business and will be made utilizing a cost effective and reasonable method of travel.

All conference travel must have a completed Travel Conference Request Form (6161F) on file which has been approved by the appropriate supervisor. The Superintendent/designee approves those Travel Conference Requests which have reimbursable employee expenses. Travel Conference Request Forms are only to be used by District employees.

General guidelines for expenses to be reimbursed by the District are outlined below and should be adhered to closely. Requests for further interpretation should be addressed to the Business Office.

Prior Approval Required

Travel or conference attendance without prior authorization will be at the participant's own expense. The district will not reimburse for conference expenses not previously approved.

Registration Fees

Registration fees are reimbursable. An original receipt must accompany the request for reimbursement.

Lodging

Costs for hotel and motel accommodations shall be reimbursable, excluding tax. An original receipt must accompany the request for reimbursement.

Meals

Receipts for reimbursement of the costs of meals must be original receipts, itemized – showing what was purchased. The District will not reimburse for any receipt which includes the purchase of alcoholic beverages. Gratuity for meals shall not exceed 18% of the total bill or the percentage required by the restaurant based on the number of diners.

Travel Expenses

When a personally owned vehicle is used for travel for a conference, the mileage payment shall be made at the rate currently approved by the Board at its annual reorganization meeting. When a public conveyance is utilized, the cost is to be computed at a "coach fair rate" and such cost is to be enumerated in the total conference request, and if approved, an invoice must accompany any requests for reimbursement. Toll fees and parking fees are allowable reimbursements upon presentation of an original receipt. EZ Pass statements may be substituted for toll receipts with the appropriate charges highlighted. Travel shall be by the most direct route possible. Any person traveling by an indirect route shall assume any extra expenses incurred.

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LEWISTON-PORTER CENTRAL SCHOOL

~~2023~~2024 6161

Personnel 2 of 2

SUBJECT: CONFERENCE/TRAVEL EXPENSE REIMBURSEMENT

Credit Card Charges

If an expense is charged on a credit card, the receipt for that charge must indicate that it was paid by credit card. If the receipt does not indicate that, then a copy of your credit card bill (with item highlighted and other personal items blacked out) must be submitted for reimbursement.

Charges put on someone else's credit card will not be reimbursed. For example, if three staff members dine together during a conference, and the restaurant bill is charged on one individual's account – *that* individual will be reimbursed for the charge. In other words, the District cannot reimburse *you* for charges put on *someone else's* card. Auditing procedures require this. Same applies to hotel bills and registration fees. It is strongly recommended that each individual pay their own expenses – hotel stay, registration fees, meals – and submit their own original receipts for reimbursement with their claim form.

Tax Exempt Status

New York State sales tax cannot generally be reimbursed. Sales tax may, however, be reimbursed when such costs constitute an actual and necessary expense. A Sales Tax-Exempt Form can be obtained prior to travel for hotel accommodations.

Courses taken for salary credit cannot be reimbursed.

All reimbursable expenses will be verified in accordance with standard auditing procedures.

All receipts must be originals. Photocopies will not be accepted.

General Municipal Law § 77-b(2)

NOTE: Refer also to Policy #5323 - Reimbursement for Meals/Refreshments

Adoption Date: ~~06/12/2023~~04/29/2024

LEWISTON-PORTER CENTRAL SCHOOL

~~2019~~2024 6170

Personnel

SUBJECT:SAFETY OF STUDENTS (FINGERPRINTING CLEARANCE OF NEW HIRES)

Unless otherwise authorized, the District will not employ or utilize a prospective school employee unless the prospective school employee has been granted "full" clearance for employment by the State Education Department (SED). The District will require a prospective school employee who is not in the SED criminal history file database to undergo a fingerprint supported criminal history record background check. "Criminal history record" means a record of all criminal convictions and any pending criminal charges maintained on an individual by the Division of Criminal Justice Services (DCJS) and the Federal Bureau of Investigation (FBI). The District will obtain the applicant's consent to the criminal history records search.

The District will use the Statewide Vendor Management System (SVMS) as directed by SED. The District will still request clearance for employment, view information regarding an applicant's status, and enter hire/termination dates through SED's Web-based application known as TEACH.

Safety of Students

The District will develop internal building and/or program procedures to help ensure the safety of students who have contact with an employee holding conditional appointment or emergency conditional appointment. These procedures will address the safety of students in the classroom, students attending off-campus activities under the supervision of the District, and students participating in extracurricular and/or co-curricular activities (including sports and athletic activities).

Safety procedures to be addressed include, but are not limited to supervision of the employee holding conditional appointment/emergency conditional appointment as determined appropriate by the applicable building/program administrator and periodic visitations by the building/program administrator to the classroom, program, and/or activity assigned to the employee holding conditional appointment/emergency conditional appointment.

Correction Law Article 23-A
Education Law §§ 305(30), 305(33), 1604, 1709, 1804,
1950, 2503, 2554, 2590-h, 2854, 3004-b, 3004-c and 3035
Executive Law § 296(16)
Social Services Law Article 5, Title 9-B
8 NYCRR §80-1.11 and Part 87

Adoption Date: ~~11/19/2019~~04/29/2024

LEWISTON-PORTER CENTRAL SCHOOL

20192024 6180

Personnel 1 of 2

SUBJECT:STAFF-STUDENT RELATIONS (FRATERNIZATION)

The Board requires that all District employees maintain a professional, ethical relationship with District students that is conducive to an effective, safe learning environment; and that staff members act as role models for students at all times, whether on or off school property and both during and outside of school hours. Staff must establish appropriate personal boundaries with students and not engage in any behavior that could reasonably lead to even the appearance of impropriety.

Staff members are prohibited, under any circumstances, to date or engage in any improper fraternization or undue familiarity with students, regardless of the student's age and/or regardless of whether the student may have "consented" to such conduct. Further, employees shall not entertain students or socialize with students in such a manner as to create the perception that a dating relationship exists. Similarly, any action or comment by a staff member which invites romantic or sexual involvement with a student is considered highly unethical, in violation of District policy, and may result in the notification of law enforcement officials and the filing of criminal charges and/or disciplinary action by the District up to and including termination of employment.

Inappropriate employee behavior includes, but is not limited to, flirting; making suggestive comments; dating; requests for sexual activity; physical displays of affection; giving inappropriate personal gifts; frequent personal communication with a student unrelated to course work or official school matters; providing alcohol or drugs to students; inappropriate touching; and engaging in sexual contact and/or sexual relations. ("Frequent personal communication with a student unrelated to course work or official school matters" means any form in which that personal communication may occur including, but not limited to, voice or text based communication via phone, e-mail, instant messaging, text messaging or through social networking websites.)

Even if the student participated "willingly" in the activity (regardless of the student's age), inappropriate fraternization of staff with students is against District policy and may be in violation of professional standards of conduct and New York State Law. However, inappropriate employee conduct does not need to rise to the level of criminal activity for such conduct to be in violation of District rules and subject to appropriate disciplinary sanctions.

Any student who believes that they have been subjected to inappropriate staff behavior as enumerated in this policy, as well as students, school employees or third parties who have knowledge of or witness any possible occurrence of inappropriate staff-student relations, shall report the incident to any staff member or either the employee's supervisor, the student's Principal or the District's designated Complaint Officer. In all events such reports shall be forwarded to the designated Complaint Officer for further investigation. Investigations of allegations of inappropriate staff-student relations shall follow the procedures utilized for complaints of harassment within the School District. Allegations of inappropriate staff-student behavior shall be promptly investigated and will be treated as confidential and private to the extent possible within legal constraints.

Any employee having knowledge of or reasonable suspicion that another employee may have engaged in inappropriate conduct with a student that may constitute child abuse (specifically, child abuse in an educational setting) must also follow the District's reporting procedures for such allegations; and such information will be reported by the designated administrator as required by state law to law enforcement officials, the State Education Department and/or Child Protective Services as may be applicable.

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LEWISTON-PORTER CENTRAL SCHOOL

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Personnel 2 of 2

SUBJECT: STAFF-STUDENT RELATIONS (FRATERNIZATION)

If a student initiates inappropriate behavior toward a staff member, that employee shall document the incident and report it to their Building Principal or Supervisor.

The District shall promptly investigate all complaints of inappropriate staff-student relations, and take prompt corrective action to stop such conduct if it occurs.

Prohibition of Retaliation

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of allegations of inappropriate staff-student relations. Follow up inquiries and/or appropriate monitoring shall be made to ensure that the alleged conduct has not resumed and that all those involved in the investigation have not suffered retaliation. Any act of retaliation is subject to appropriate disciplinary action by the District.

Knowingly Makes False Accusations

Employees and/or students who *knowingly* make false accusations against another individual as to allegations of harassment may also face appropriate disciplinary action.

District Responsibility/Training

The Principal of each school and/or program supervisor shall be responsible for informing students, staff and volunteers of the requirements of this policy, including the duty to report and the procedures established for investigation and resolution of complaints. Further, staff training shall be provided to facilitate staff identification of possible behavior that may constitute inappropriate staff-student relationships. Students shall be provided such training in an age appropriate manner.

The District's policy (or a summary thereof) shall be disseminated as appropriate to staff, students and parents. Further, this topic shall be addressed in the District Code of 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, District policy and regulation, and the applicable collective bargaining agreement. 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.

Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq. Education Law Article 23-B
Social Services Law Sections 411-428
8 New York Code of Rules and Regulations (NYCRR) Part 83

Adoption Date: ~~11/19/2019~~04/29/2024

SUBJECT: TIMEOUT AND PHYSICAL RESTRAINT**Overview**

The District prohibits the use of corporal punishment, aversive interventions, and seclusion. The District authorizes the limited use of timeout and physical restraint in schools to address student behaviors subject to conditions in law, regulation, and this policy.

Definitions

For purposes of this policy, the following definitions apply:

- a) "Aversive intervention" means an intervention that is intended to induce pain or discomfort for the purpose of eliminating or reducing student behavior, including interventions such as:
 - 1. Contingent application of noxious, painful, intrusive stimuli or activities;
 - 2. Strangling, shoving, deep muscle squeezes, or other similar stimuli;
 - 3. Any form of noxious, painful, or intrusive spray, inhalant, or tastes;
 - 4. 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;
 - 5. Movement limitation used as a punishment, including, but not limited to, helmets and mechanical restraints; or
 - 6. Other stimuli or actions similar to the interventions described in this definition.

Aversive intervention does not include interventions such 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.

- b) "Corporal punishment" means 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 to protect the student, another student, teacher, or any other person from physical injury when alternative procedures and methods not involving the use physical restraint cannot reasonably be employed to achieve these purposes.
- c) "De-escalation" means the use of a behavior management technique that helps a student increase control over their emotions and behavior and results in a reduction of a present or potential level of danger to the student or others.

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SUBJECT: TIMEOUT AND PHYSICAL RESTRAINT

- d) "Mechanical restraint" means the use of any device or equipment to restrict a student's freedom of movement. Mechanical restraint does not include devices implemented by trained school personnel, or utilized by a student, that have been prescribed by an appropriate medical or related services professional and are used for the specific and approved purposes for which such devices were designed, such as:
 - 1. Adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports;
 - 2. Vehicle safety restraints when used as intended during the transport of a student in a moving vehicle;
 - 3. Restraints for medical immobilization; or
 - 4. Orthopedically prescribed devices that permit a student to participate in activities without risk of harm.
- e) "Multi-tiered system of supports" means a proactive and preventative framework that utilizes data to inform instruction and the allocation of services to maximize achievement for all students and support students' social, emotional, and behavioral needs from a culturally responsive and strength-based perspective.
- f) "Physical escort" means a temporary touching 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.
- g) "Physical restraint" means a personal restriction that immobilizes or reduces the ability of a student to move their arms, legs, body, or head freely. Physical restraint does not include a physical escort or 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.
- h) "Prone restraint" means physical or mechanical restraint while the student is in the face down position.
- i) "Seclusion" means the involuntary confinement of a student alone in a room or space that they are physically prevented from leaving or they may perceive that they cannot leave at will. Seclusion does not include timeout.

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LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

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SUBJECT: TIMEOUT AND PHYSICAL RESTRAINT

- j) "Timeout" means 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 does not include:
1. A student-initiated or student-requested break to utilize coping skills, sensory input, or self-regulation strategies;
 2. Use of a room or space containing coping tools or activities to assist a student to calm and self-regulate, or the use of such intervention strategies consistent with a student with a disability's behavioral intervention plan;
 3. A teacher removal, in-school suspension, or any other appropriate disciplinary action.

Prohibition of the Use of Corporal Punishment, Aversive Interventions, and Seclusion

No teacher, administrator, officer, employee, or agent of the District will use the following against a student:

- a) Corporal punishment;
- b) Aversive interventions; or
- c) Seclusion.

Agent includes, but is not limited to, school resource officers, except when a student is under arrest and handcuffs are necessary for the safety of the student and others.

Authorized Limited Use of Timeout and Physical Restraint

Positive, proactive, evidence-based, and research-based strategies through a multi-tiered system of supports will be used to reduce the occurrence of challenging behaviors, eliminate the need for the use of timeout and physical restraint, and improve school climate and the safety of all students.

Timeout and physical restraint may be used only when:

- a) Other less restrictive and intrusive interventions and de-escalation techniques would not prevent imminent danger of serious physical harm to the student or others;
- b) There is no known medical contraindication to its use on the student; and
- c) Staff using the interventions have been trained in its safe and appropriate application.

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LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

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SUBJECT: TIMEOUT AND PHYSICAL RESTRAINT

Timeout and physical restraints will 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.

Timeout

The following rules apply to the use of timeout in the District:

- a) Timeout will only be used in the following situations:
 - 1. A situation that poses an immediate concern for the physical safety of the student or others; or
 - 2. In conjunction with a behavioral intervention plan that is designed to teach and reinforce alternative appropriate behaviors.
- b) A room or physical space used for timeout may be located either within or outside of a classroom. The room or physical space will:
 - 1. Be unlocked, and any door must be able to be opened from the inside. The use of locked rooms or physical spaces is prohibited.
 - 2. Provide a means for continuous visual and auditory monitoring of the student. The use of a room where the student cannot be continuously observed and supervised is prohibited.
 - 3. Be of adequate width, length, and height to allow the student to move about and recline comfortably.
 - 4. Be clean and free of objects and fixtures that could be potentially dangerous to a student.
 - 5. Meet all local fire and safety codes.
 - 6. Have wall and floor coverings that, to the extent practicable, are designed to prevent injury to the student.
 - 7. Have adequate lighting and ventilation.
 - 8. Have a temperature that is within the normal comfort range and consistent with the rest of the building.

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SUBJECT: TIMEOUT AND PHYSICAL RESTRAINT

- c) When a student is in a timeout room or space, staff will continuously monitor the student.
- d) Any staff functioning as timeout monitors will be trained in accordance with law and regulation.
- e) Staff will return the student to their educational program as soon as the student has safely deescalated, regained control, and is prepared to meet expectations.

Factors which may precipitate the use of timeout include:

- a) Precipitating Factors:
 - i. Student fails to respond to less severe interventions (behavior that cannot be controlled through interventions short of isolation in the designated time out space or room)
 - ii. Behavior that is severely disruptive
 - iii. Dangerous behavior that presents a risk of injury or harm to that student or to others
 - iv. Behavior that is dangerous or presents a risk of significant property damage.

The use of timeout will adhere to the following developmentally appropriate time limitations:

- a) Time out should be kept as short as possible. The recommendation is not more than one (1) minute per age of child based on the behavior. At all times the student should be fully aware of the reason for the time out.

The following additional rules apply to the use of timeout in conjunction with a behavioral intervention plan:

- a) The District will ensure that timeout is used consistent with the rules for the use of timeout listed above.
- b) The student's individualized education program (IEP) will specify when a behavioral intervention plan includes the use of timeout, including the maximum amount of time a student will need to be in timeout as a behavioral consequence as determined on an individual basis in consideration of the student's age and individual needs.
- c) Prior to the initiation of a behavioral intervention plan that will incorporate the use of timeout, the District will inform the student's parents or persons in parental relation and give them the opportunity to see the room or physical space that will be used.
- d) Prior to the initiation of a behavioral intervention plan that will incorporate the use of timeout, the District will give the student's parents or persons in parental relation a copy of this policy.

Physical Restraint

Physical restraint will only be used in a situation in which immediate intervention involving the use of reasonable physical force is necessary to prevent imminent danger of serious physical harm to the student or others.

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LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

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SUBJECT: TIMEOUT AND PHYSICAL RESTRAINT

The following rules apply to the use of physical restraint in the District:

- a) The type of physical restraint used will be the least restrictive technique necessary and be discontinued as soon as the imminent danger of serious physical harm has resolved.
- b) Physical restraint will never be used in a manner that restricts the student's ability to breathe or communicate or harms the student.
- c) The use of prone restraint is prohibited.
- d) Physical restraint will not be used as a planned intervention on a student's individualized education program, Section 504 accommodation plan, behavioral intervention plan, or other plan developed for a student by the District.
- e) Physical restraint will 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.
- f) Physical restraints will be administered only by staff who have received the legally required training.
- g) Following a physical restraint, if an injury has been sustained or believed to have been sustained, the school nurse or other medical personnel (i.e., physician, physician assistant, or a nurse practitioner) will evaluate the student to determine and document if any injuries were sustained during the incident.

Factors which may precipitate the use of physical restraint include:

- a) Precipitating Factors:
 - i. De-escalation strategies are not reducing the behavior
 - ii. Emergency situation is a sudden, urgent occurrence, usually unexpected but sometimes anticipated that requires immediate action.
 - iii. Imminent danger to self, others students/staff
 - iv. Individualized Education Plan in place (IEP) that addresses the behavior
 - v. Individual Health Plan in place(IHP) that addresses the behavior

The use of physical restraint will adhere to the following developmentally appropriate time limitations:

- a) Time out should be kept as short as possible. The recommendation is not more than one (1) minute per age of child based on the behavior. At all times the student should be fully aware of the reason for the physical restraint or until the student is able to remain calm.

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SUBJECT: TIMEOUT AND PHYSICAL RESTRAINT

Notification Following the Use of Timeout, Physical Restraint, and/or Mechanical Restraint

Parent(s) or person(s) in parental relation to the student will be notified on the same day when timeout, physical restraint, and/or mechanical restraint is used, including timeout used in conjunction with a student's behavioral intervention plan. When the student's parent or person in parental relation cannot be contacted, after reasonable attempts are made, the building principal or administrator will record the attempts. For students with disabilities, the building principal or administrator will report the attempts to the student's committee on preschool special education or committee on special education. The notification will offer the parent or person in parental relation the opportunity to meet regarding the incident.

Additionally, the District will provide the parent or person in parental relation with:

- a) A copy of this policy; and
- b) A copy of the documentation of the incident within three school days of the use of timeout and/or physical restraint.

Debriefing

As soon as practicable, after every incident in which timeout and/or a physical restraint is used on a student, a building administrator or designee will:

- a) Meet with the staff who participated in the use of timeout and/or physical restraint to discuss:
 - 1. The circumstances leading to the use of timeout and/or physical restraint;
 - 2. The positive, proactive intervention strategies that were utilized prior to the use of timeout and/or physical restraint; and
 - 3. Planning for the prevention and reduction of the future need for timeout and/or 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; and
- b) Direct a school staff member to debrief the incident with the student in a manner appropriate to the student's age and developmental ability and to discuss the behavior(s), if any, that precipitated the use of timeout and/or physical restraint.

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SUBJECT: TIMEOUT AND PHYSICAL RESTRAINT

Training

All staff will receive annual training on the District'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. Additionally, any staff who may be called upon to implement timeout or physical restraint, will receive annual, evidence-based training in safe and effective developmentally appropriate timeout and physical restraint procedures.

Notification

This policy will be made publicly available for review at the District's administrative offices and each school building. It will also be posted on the District's website.

Reporting

The District will submit an annual report on the use of physical restraint and timeout and substantiated and unsubstantiated allegations of use of corporal punishment, mechanical restraint, and other aversive interventions, prone physical restraint, and seclusion to the New York State Education Department, on a form and at a time prescribed by the Commissioner of Education in accordance with law and regulation. Additionally, the District will report this data for students for whom they are the district of residence and who are otherwise not reported.

Recordkeeping

The District will maintain documentation on the use of timeout and/or physical restraint, including timeout used in conjunction with a student's behavioral intervention plan, for each student. This documentation will include:

- 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 timeout and/or physical restraint and any other persons involved;
- d) A description of the incident including duration, and, for physical restraint, 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 District;

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SUBJECT: TIMEOUT AND PHYSICAL RESTRAINT

- f) A list of all positive, proactive intervention strategies utilized prior to the use of timeout and/or 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 and whether a meeting was held; and
- i) The date of the debriefing held.

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

Documentation of each incident will be maintained by the school and made available for review by the New York State Education Department upon request.

A record should be created for each instance of physical restraint or timeout, and for allegations concerning prohibited intervention types. Multiple event records during a day for a student would be created only:

- a) If a new situation occurs involving the student after the prior event had de-escalated and student had returned to the learning environment; or
- b) When a new restraint or intervention response type is employed during the event. For example, during an event, a staff person employed a physical restraint on a student, and the situation escalated to the point where a timeout was used. The addition of the timeout would constitute an additional event record beginning with that application.

The District will use this data collection to monitor patterns of use of timeout and physical restraint.

Review

The building administrator or designee will regularly review documentation on the use of timeout and physical restraint to ensure compliance with the District's policy and procedures. When there are multiple incidents within the same classroom or involving the same staff, the building administrator or designee shall take appropriate steps to address the frequency and pattern of use of timeout or physical restraint.

Education Law Section 4402
8 NYCRR Sections 19.5, 100.2(1)(3), and 200.22

Adoption Date: 04/29/2024