

STATE OF NEW YORK

8540

2021-2022 Regular Sessions

IN ASSEMBLY

December 13, 2021

Introduced by M. of A. BURDICK -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to requiring same-day notification of a parent or guardian of a student with a disability where certain behavioral interventions are used

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 4402 of the education law is amended by adding a
2 new subdivision 9 to read as follows:

3 9. (a) Each school district shall develop procedures requiring that,
4 where a method of seclusion or restraint is used on a student with a
5 disability as a behavioral intervention, such student's parent or guard-
6 ian shall be notified of such behavioral intervention within the same
7 day such behavioral intervention is used. Where such student's parent or
8 guardian cannot be contacted after reasonable attempts are made, such
9 attempts to contact such student's parent or guardian shall be recorded
10 and reported to the board of education or trustees of the school
11 district.

12 (b) For the purposes of this subdivision the following terms shall
13 have the following meanings:

14 (i) "Seclusion" means use of an area for a student to safely deesca-
15 late, regain control and prepare to meet expectations to return to his
16 or her education program, in accordance with subdivision (c) of 8 NYCRR
17 § 200.22.

18 (ii) "Restraint" means a physical or mechanical restraint used as
19 permitted by the commissioner as an emergency behavioral intervention.

20 § 2. This act shall take effect immediately.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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