STATE OF NEW YORK

7548

2021-2022 Regular Sessions

IN SENATE

November 24, 2021

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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:

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

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

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

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

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

§ 2. This act shall take effect immediately.

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

LBD13143-01-1