

STATE OF NEW YORK

5148

2025-2026 Regular Sessions

IN ASSEMBLY

February 12, 2025

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

AN ACT to amend the education law, in relation to prohibiting certain punishments and interventions in schools

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

1 Section 1. The education law is amended by adding a new article 2-A to
2 read as follows:

ARTICLE 2-A

PROHIBITION OF CERTAIN PUNISHMENTS AND INTERVENTIONS

Section 20. Purpose of article.

21. Definitions.

22. Prohibition of certain punishments and interventions.

23. Authorized limited use of timeouts and physical restraints.

24. Annual reporting.

25. Private right of action.

11 § 20. Purpose of article. The purpose of this article shall be to
12 establish uniform guidelines that prohibit the use of corporal punish-
13 ment, chemical restraints, aversive interventions, and seclusion and to
14 authorize limited use of timeout and physical restraint in schools to
15 address student behaviors.

16 § 21. Definitions. For the purposes of this article, the following
17 terms shall have the following meanings:

18 1. (a) "Aversive intervention" means an intervention that is intended
19 to induce pain or discomfort for the purpose of eliminating or reducing
20 student behavior, including but not limited to the following:

21 (i) contingent application of noxious, painful, intrusive stimuli or
22 activities, or strangling, shoving, deep muscle squeezes, or other stim-
23 uli;

24 (ii) any form of noxious, painful or intrusive spray, inhalant or
25 tastes;

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

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1 (iii) contingent food programs that include the denial or delay of the
2 provision of meals or intentionally altering staple food or drink in
3 order to make it distasteful;

4 (iv) movement limitation used as a punishment, including, but not
5 limited to, helmets and mechanical restraints;

6 (v) chemical restraints; or

7 (vi) other similar stimuli or actions.

8 (b) The term "aversive intervention" shall not include interventions
9 such as voice control, limited to loud, firm commands; time-limited
10 ignoring of a specific behavior; token fines as part of a token economy
11 system; brief physical prompts to interrupt or prevent a specific behav-
12 ior; interventions medically necessary for the treatment or protection
13 of a student; or other similar interventions.

14 2. "Corporal punishment" means any act of physical force upon a
15 student for the purpose of punishing such student.

16 3. "Chemical restraint" means a drug or medication used on a student
17 to control behavior or restrict freedom of movement that is not:

18 (a) prescribed by a licensed physician, or other qualified health
19 professional acting under the scope of the professional's authority
20 under state law, for the standard treatment of a student's medical or
21 psychiatric condition; and

22 (b) administered as prescribed by the licensed physician or other
23 qualified health professional acting under the scope of the profes-
24 sional's authority under state law.

25 4. "De-escalation" means the use of a behavior management technique
26 that helps a student increase control over their emotions and behavior
27 and results in a reduction of a present or potential level of danger to
28 such student or others.

29 5. "Mechanical restraint" means the use of any device or equipment to
30 restrict a student's freedom of movement. The term "mechanical
31 restraint" shall not include devices implemented by trained school
32 personnel, or utilized by a student, that have been prescribed by an
33 appropriate medical or related services professional and are used for
34 the specific and approved purposes for which such devices were designed,
35 such as:

36 (a) adaptive devices or mechanical supports used to achieve proper
37 body position, balance, or alignment to allow greater freedom of mobili-
38 ty than would be possible without the use of such devices or mechanical
39 supports;

40 (b) vehicle safety restraints when used as intended during the trans-
41 port of a student in a moving vehicle;

42 (c) restraints for medical immobilization; or

43 (d) orthopedically prescribed devices that permit a student to partic-
44 ipate in activities without risk of harm.

45 6. "Multi-tiered system of supports" means a proactive and preventa-
46 tive framework that utilizes data to inform instruction and the allo-
47 cation of services to maximize achievement for all students and support
48 students' social, emotional and behavioral needs from a culturally
49 responsive and strength-based perspective.

50 7. "Physical escort" means a temporary, voluntary touching or holding
51 of the hand, wrist, arm, shoulder or back to induce a student to walk to
52 a safe location.

53 8. "Physical restraint" means a personal restriction that immobilizes
54 or reduces the ability of a student to move their arms, legs, body, or
55 head freely. The term "physical restraint" shall not include a physical
56 escort or brief physical contact and/or redirection to promote student

1 safety, calm or comfort a student, prompt or guide a student when teach-
2 ing a skill or assisting a student in completing a task, or for other
3 similar purposes.

4 9. "Prone restraint" means physical or mechanical restraint while the
5 student is in the face down position.

6 10. "School" means a public school district, board of cooperative
7 educational services, charter school, state-operated and state-supported
8 school pursuant to articles eighty-five, eighty-seven and eighty-eight
9 of this chapter, in-state and out-of-state private residential or non-
10 residential school for the education of students with disabilities
11 approved pursuant to article eighty-nine of this chapter or operating
12 under article eighty-one of this chapter, state-administered prekind-
13 ergarten program directly operated by a school district, board of cooper-
14 ative educational services, or an eligible agency, as defined by the
15 commissioner, or operated by a school district in collaboration with an
16 eligible agency, preschool special education program approved pursuant
17 to section forty-four hundred ten of this chapter, and registered
18 nonpublic nursery school, kindergarten, and high school, and a nonpublic
19 school serving grades one through eight that has a registered high
20 school, in this state. Such term as used in this article shall also
21 include school buses, as defined by section one hundred forty-two of the
22 vehicle and traffic law.

23 11. "Seclusion" means the involuntary confinement of a student alone
24 in a room or space that they are physically prevented from leaving or
25 they may perceive that they cannot leave at will. The term "seclusion"
26 shall not include timeout.

27 12. "Timeout" means a behavior management technique that involves the
28 monitored separation of a student in a non-locked setting, accompanied
29 by school staff, where the student complies with a request to leave and
30 is implemented for the purpose of de-escalating, regaining control, and
31 preparing the student to meet expectations to return to their education
32 program in accordance with section twenty-three of this article. The
33 term "timeout" shall not include:

34 (a) a student-initiated or student-requested break to utilize coping
35 skills, sensory input, or self-regulation strategies;

36 (b) use of a room or space containing coping tools or activities to
37 assist a student to calm and self-regulate, or the use of such inter-
38 vention strategies consistent with a student with a disability's behav-
39 ioral intervention plan as defined by the commissioner; or

40 (c) a teacher removal, in-school suspension, or any other appropriate
41 disciplinary action.

42 § 22. Prohibition of certain punishments and interventions. 1. No
43 teacher, administrator, officer, employee or agent of a school shall use
44 the following against a student:

45 (a) corporal punishment;

46 (b) aversive interventions; or

47 (c) seclusion.

48 2. For purposes of this section the term "agent" shall include, but
49 not be limited to, school resource officers, except when a student is
50 under arrest and handcuffs are necessary for the safety of such student
51 and others.

52 § 23. Authorized limited use of timeouts and physical restraints. 1.
53 Multi-tiered systems of supports. Positive, proactive, evidence- and
54 research-based strategies through a multi-tiered system of supports
55 shall be used to reduce the occurrence of challenging behaviors, elimi-
56 nate the need for the use of timeout and physical restraint, and improve

1 school climate and the safety of all students. Problem-solving inter-
2 ventions, proactive, evidence- and research-based models that are prob-
3 lem-solving focused and work collaboratively with the student shall be
4 used to eliminate the need for the use of timeout and physical
5 restraint. Timeout and physical restraint shall be used only when:
6 other less restrictive and intrusive interventions and de-escalation
7 techniques would not prevent imminent danger of serious physical harm to
8 a student or others; there is no known medical contraindication to its
9 use on a student; and school staff using such interventions have been
10 trained in its safe and appropriate application in accordance with the
11 requirements of subdivision eight of this section. Timeout and physical
12 restraints shall not be used as discipline or punishment, retaliation,
13 or as a substitute for positive, proactive intervention strategies that
14 are designed to eliminate the need for the use of timeout and physical
15 restraint.

16 2. Use of timeout. (a) Except as otherwise specifically provided by
17 the commissioner pursuant to rule or regulation, timeout shall only be
18 used in a situation that poses an immediate concern for the physical
19 safety of a student or others. Staff shall return such student to their
20 educational program as soon as such student has safely de-escalated,
21 regained control and is prepared to meet expectations.

22 (b) A room or physical space used for purposes of timeout shall be
23 located within a classroom or outside of such classroom and shall comply
24 with the following requirements:

25 (i) Such room or physical space shall:

26 (1) be unlocked, and any door shall be able to be opened from the
27 inside. The use of locked rooms or physical spaces is prohibited;

28 (2) provide a means for continuous visual and auditory monitoring of
29 the student;

30 (3) be of adequate width, length and height to allow the student to
31 move about and recline comfortably;

32 (4) be clean and free of objects and fixtures that could be potential-
33 ly dangerous to a student; and

34 (5) meet all local fire and safety codes;

35 (ii) Wall and floor coverings shall, to the extent practicable, be
36 designed to prevent injury to the student and there shall be adequate
37 lighting and ventilation; and

38 (iii) The temperature of the room or physical space shall be within
39 the normal comfort range and consistent with the rest of the building.

40 (c) Staff shall continuously monitor a student in a timeout room or
41 space. Staff functioning as timeout monitors shall be trained in accord-
42 ance with subdivision eight of this section, and shall be physically
43 present in the timeout room or space for the entirety of a student's
44 time in such room or space.

45 3. Use of physical restraint. (a) Physical restraint shall only be
46 used in a situation in which immediate intervention involving the use of
47 reasonable physical force is necessary to prevent imminent danger of
48 serious physical harm to the student or others.

49 (b) The type of physical restraint used shall be the least restrictive
50 technique necessary and be discontinued as soon as the imminent danger
51 of serious physical harm has resolved.

52 (c) Physical restraint shall never be used in a manner that restricts
53 the student's ability to breathe or communicate or harms the student.

54 (d) The use of prone restraint is prohibited.

55 (e) Physical restraint shall not be used as a planned intervention on
56 a student's individualized education program, accommodation plan, behav-

1 ioral intervention plan, or other plan developed for a student by the
2 school.

3 (f) Physical restraint shall not be used to prevent property damage
4 except in situations where there is imminent danger of serious physical
5 harm to the student or others and the student has not responded to posi-
6 tive, proactive intervention strategies.

7 (g) Physical restraint shall be administered only by staff who have
8 received training in accordance with subdivision eight of this section.

9 (h) Following a physical restraint, if an injury has been sustained or
10 believed to have been sustained, the school nurse, pursuant to section
11 nine hundred two of this chapter or other medical personnel shall evalu-
12 ate the student to determine and document if any injuries were sustained
13 during the incident.

14 4. Parental notification. Each school shall develop a procedure to:

15 (a) ensure same day notification to a parent or person in parental
16 relation to a student following the use of timeout, including timeout
17 used in conjunction with such student's behavioral intervention plan, or
18 use of a physical restraint. When the student's parent or person in
19 parental relation cannot be contacted, after reasonable attempts are
20 made, the school principal or building administrator shall record such
21 attempts. For students with disabilities, the school principal or build-
22 ing administrator shall report such attempts to the student's committee
23 on preschool special education or committee on special education. Such
24 notification shall offer the parent or person in parental relation the
25 opportunity to meet regarding the incident; and

26 (b) provide the parent or person in parental relation to the student a
27 copy of the documentation of the incident within three school days of
28 the use of timeout or a physical restraint.

29 5. Documentation. (a) A school shall maintain documentation of each
30 incident involving the use of timeout, including timeout used in
31 conjunction with a student's behavioral intervention plan consistent
32 with rules or regulations promulgated by the commissioner, and/or phys-
33 ical restraint on each student, which shall include:

34 (i) the name and date of birth of the student;

35 (ii) the setting and location of the incident;

36 (iii) the name of the staff who participated in the implementation,
37 monitoring and supervision of the use of timeout and/or physical
38 restraint and any other persons involved;

39 (iv) a description of the incident including duration, and for a phys-
40 ical restraint, the type of restraint used;

41 (v) whether the student has an individualized education program,
42 accommodation plan, behavioral intervention plan, or other plan devel-
43 oped for the student by the school;

44 (vi) a list of all positive, proactive intervention strategies
45 utilized prior to the use of timeout and/or physical restraint; and for
46 students with disabilities, whether those strategies were consistent
47 with a student's behavioral intervention plan, if applicable;

48 (vii) the details of any injuries sustained by the student or staff
49 during the incident and whether the student was evaluated by the school
50 nurse or other medical personnel;

51 (viii) the date and method of notification to the parent or person in
52 parental relation pursuant to subdivision four of this section and
53 whether a meeting was held; and

54 (ix) the date of the debriefing held consistent with the requirements
55 of subdivision six of this section.

1 (b) Documentation of the incident shall be reviewed by supervisory
2 personnel and, as necessary, the school nurse or other medical person-
3 nel.

4 (c) Documentation of each incident shall be maintained by the school
5 and made available for review by the department upon request.

6 6. Debriefing. As soon as practicable, and after every incident in
7 which timeout and/or physical restraint is used on a student, a school
8 administrator or designee shall:

9 (a) meet with the school staff who participated in the use of timeout
10 and/or physical restraint to discuss:

11 (i) the circumstances leading to the use of timeout and/or physical
12 restraint;

13 (ii) the positive, proactive intervention strategies that were
14 utilized prior to the use of timeout and/or physical restraint; and

15 (iii) planning for the prevention and reduction of the future need for
16 timeout and/or physical restraint with the student including, if appli-
17 cable, whether a referral should be made for special education programs
18 and/or other support services or, for a student with a disability,
19 whether a referral for review of the student's individualized education
20 program and/or behavioral intervention plan is needed; and

21 (b) direct a school staff member to debrief the incident with the
22 student in a manner appropriate to the student's age and developmental
23 ability and to discuss the behavior or behaviors, if any, that precipi-
24 tated the use of timeout and/or physical restraint.

25 7. Review of documentation. The school administrator or designee shall
26 regularly review documentation on the use of timeout and physical
27 restraint to ensure compliance with a school's policy and procedures.
28 When there are multiple incidents within the same classroom or involving
29 the same staff, the school administrator or designee shall take appro-
30 priate steps to address the frequency and pattern of use.

31 8. Staff training. (a) All staff shall receive annual training on the
32 school's policies and procedures related to the use of timeout and phys-
33 ical restraint; evidence-based positive, proactive problem-solving
34 interventions; crisis intervention and prevention procedures and de-es-
35 calation techniques.

36 (b) In addition to the training requirements for all staff in para-
37 graph (a) of this subdivision, any staff who may be called upon to
38 implement timeout or physical restraint, shall receive annual,
39 evidence-based training in safe and effective developmentally appropri-
40 ate timeout and physical restraint procedures.

41 9. Written policy. (a) Each school shall adopt a written policy that
42 establishes administrative practices and procedures regarding the use of
43 timeout and physical restraint consistent with this subdivision. Such
44 policy and procedures shall at a minimum include:

45 (i) factors which may precipitate the use of the timeout or physical
46 restraint;

47 (ii) developmentally appropriate time limitations for the use of time-
48 out and physical restraint;

49 (iii) prohibiting placing a student in a locked room or space or in a
50 room where the student cannot be continuously observed and supervised;

51 (iv) prohibiting the use of prone restraint;

52 (v) any requirements promulgated by the commissioner relating to
53 students with disabilities whose behavioral intervention plan includes
54 the use of timeout as a behavioral consequence;

55 (vi) staff training provided in accordance with the requirements of
56 subdivision eight of this section;

1 (vii) information to be provided to the parent or person in parental
2 relation, including a copy of the timeout and physical restraint policy;
3 (viii) notifying the parent or person in parental relation on the same
4 day when a student is placed in a timeout or a physical restraint is
5 used in accordance with the requirements of subdivision four of this
6 section; and

7 (ix) data collection to monitor patterns of use of timeout and phys-
8 ical restraint.

9 (b) The written policy shall be made publicly available for review at
10 the district or school administrative office or offices and each school
11 building, and posted on the school's website, if one exists.

12 § 24. Annual reporting. Beginning with the two thousand twenty-six --
13 two thousand twenty-seven school year, each public school district,
14 board of cooperative educational services, charter school, state-operat-
15 ed school pursuant to articles eighty-seven and eighty-eight of this
16 chapter, and private residential school operated pursuant to article
17 eighty-one of this chapter, shall submit an annual report on the use of
18 physical restraint and timeout and substantiated and unsubstantiated
19 allegations of use of corporal punishment, mechanical restraint and
20 other aversive interventions, prone physical restraint, and seclusion to
21 the department, on a form and at a time prescribed by the commissioner
22 by rule or regulation. In addition, public school districts shall report
23 such data for students for whom they are the district of residence, and
24 who are otherwise not reported, including students attending a state-
25 supported school pursuant to article eighty-five of this chapter,
26 in-state and out-of-state private residential or non-residential school
27 for the education of students with disabilities approved pursuant to
28 article eighty-nine of this chapter, or preschool special education
29 program approved pursuant to section forty-four hundred ten of this
30 chapter.

31 § 25. Private right of action. The parent or person in parental
32 relation of any student who is injured resulting from a violation of
33 this article may bring an action to recover damages suffered by reason
34 of such violation.

35 § 2. Subdivision 1 of section 1125 of the education law, as amended by
36 chapter 551 of the laws of 2023, is amended to read as follows:

37 1. "Child abuse" shall mean any of the following acts committed in an
38 educational setting by an employee or volunteer against a child: (a)
39 intentionally or recklessly inflicting physical injury, serious physical
40 injury or death, or (b) intentionally or recklessly engaging in conduct
41 which creates a substantial risk of such physical injury, serious phys-
42 ical injury or death, or (c) any child sexual abuse as defined in this
43 section, or (d) the commission or attempted commission against a child
44 of the crime of disseminating indecent materials to minors pursuant to
45 article two hundred thirty-five of the penal law, or (e) using corporal
46 punishment as defined by [~~the commissioner~~] section twenty-one of this
47 chapter.

48 § 3. This act shall take effect immediately.