

STATE OF NEW YORK

5273

2025-2026 Regular Sessions

IN ASSEMBLY

February 12, 2025

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

AN ACT to amend the education law, in relation to prohibiting the use of
restraints and seclusion in schools; and to providing for more rapid
notice to parents if restraints or seclusion is used

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

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

ARTICLE 2-A

PROHIBITIONS ON RESTRAINT AND SECLUSION

Section 20. Legislative intent.

21. Short title.

22. Definitions.

23. Prohibitions on restraint and seclusion.

24. Program requirements.

25. Enforcement.

26. Private right of action.

27. Grants.

28. Assessment and reporting.

29. Protection and advocacy systems.

30. Construction.

31. Applicability to private schools and home schools.

17 § 20. Legislative intent. It is the policy of the state of New York to
18 promote safety and prevent harm to all students, staff, and visitors in
19 the public schools and to treat all school students with dignity and
20 respect in the delivery of discipline, use of physical restraints or
21 seclusion, and use of reasonable force as permitted by law.

22 To accomplish such policy, it is the intention of the legislature to
23 provide school staff with clear guidelines about what constitutes use of
24 reasonable force permissible in New York schools with the goal of

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

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improving student achievement, attendance, promotion, and graduation rates by employing positive behavioral interventions to address student behavior in a positive and safe manner while promoting the retention of valuable teachers and other school personnel by providing appropriate training in prescribed procedures, which address student behavior in a positive and safe manner.

§ 21. Short title. This article shall be known and may be cited as the "Keeping All New York Students Safe Act".

§ 22. Definitions. As used in this article:

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

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

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

2. "Commissioner" means the commissioner of education.

3. "Early childhood education program", "educational service agency", "elementary school", "local educational agency", "other staff", "paraprofessional", "parent", "school leader", "secondary school", "specialized instructional support personnel", "state", and "state educational agency" have the meanings given the terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

4. "Head Start program" means a program that serves children who receive services for which financial assistance is provided in accordance with the Head Start Act (42 U.S.C. 9831 et seq.).

5. "Law enforcement officer" means any person who:

(a) (i) is a state or local law enforcement officer; and

(ii) is assigned by the employing law enforcement agency to a program, who is contracting with a program, or who is employed by a program; and

(b) includes a "school resource officer" if such person meets the definition in paragraph (a) of this subdivision.

6. "Mechanical restraint" means the use of devices as a means of restricting a student's freedom of movement.

7. "Physical escort" means the 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.

8. "Physical restraint" means a personal restriction that immobilizes or reduces the ability of an individual to move the individual's arms, legs, torso, or head freely, except that such term does not include a physical escort, mechanical restraint, or chemical restraint.

9. "Positive behavioral interventions and supports":

(a) means a schoolwide, systematic approach that embeds evidence-based practices and data-driven decision making to improve school climate and culture in order to achieve improved academic and social outcomes and increase learning for all students (including students with the most complex and intensive behavioral needs); and

(b) encompasses a range of systemic and individualized positive strategies to teach and reinforce school-expected behaviors, while discouraging and diminishing undesirable behaviors.

10. "Program" means:

(a) all of the operations of a local educational agency, system of vocational education, or other school system;

1 (b) a program that serves children who receive services for which
2 financial assistance is provided in accordance with the Head Start Act
3 (42 U.S.C. 9831 et seq.); or

4 (c) an elementary school or secondary school that is not a public
5 school that enrolls a student who receives special education and related
6 services under the Individuals with Disabilities Education Act (20
7 U.S.C. 1400 et seq.).

8 11. "Program personnel" means any agent of a program, including an
9 individual who is employed by a program, or who performs services for a
10 program on a contractual basis, including school leaders, teachers,
11 specialized instructional support personnel, paraprofessionals and other
12 staff. "Program personnel" does not include a law enforcement officer or
13 a school security guard.

14 12. "Protection and advocacy system" means a protection and advocacy
15 system established under section 143 of the Developmental Disabilities
16 Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15043).

17 13. "School" means an elementary school, secondary school, or special
18 education school.

19 14. "School security guard" means an individual who is not a sworn law
20 enforcement officer and who is responsible for addressing one or more of
21 the following safety and crime prevention activities in and around a
22 program:

23 (a) Assisting program personnel in safety incidents.

24 (b) Educating students in crime and illegal drug use prevention and
25 safety.

26 (c) Developing or expanding community justice initiatives for
27 students.

28 (d) Training students in conflict resolution and supporting restora-
29 tive justice programs.

30 (e) Serving as a liaison between the program and outside agencies,
31 including other law enforcement agencies.

32 (f) Screening students or visitors to the program for prohibited
33 items.

34 15. "Seclusion" means the involuntary confinement of a student alone
35 in a room or area from which the student is physically prevented from
36 leaving, except that such term does not include a time out.

37 16. "Special education school" means a school that focuses primarily
38 on serving the needs of students with disabilities under the Individuals
39 with Disabilities Education Act (20 U.S.C. 1400 et seq.) or section 504
40 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

41 17. "State-approved crisis intervention training program" means a
42 training program approved by the commissioner that, at a minimum,
43 provides:

44 (a) training in evidence-based techniques shown to be effective in the
45 prevention of physical restraint;

46 (b) evidence-based skills training related to positive behavioral
47 interventions and supports, safe physical escort, conflict prevention,
48 understanding antecedents, deescalation, and conflict management;

49 (c) training in evidence-based techniques shown to be effective in
50 keeping both school personnel and students safe when imposing physical
51 restraint;

52 (d) training in first aid and cardiopulmonary resuscitation;

53 (e) information describing state policies and procedures to ensure
54 compliance with section twenty-three of this article; and

55 (f) certification for school personnel, law enforcement officers, and
56 school security guards in the techniques and skills described in para-

graphs (a) through (d) of this subdivision, which shall be required to be renewed on a periodic basis.

18. "Student" includes:

(a) a student enrolled in a program; and

(b) a student enrolled in an elementary school or secondary school.

19. "Time out" means a behavior management technique that may involve the separation of the student from the group or classroom in a non-locked setting. "Time out" does not include seclusion or a separation of the student from which such student is physically or otherwise prohibited from leaving.

§ 23. Prohibitions on restraint and seclusion. 1. No student shall be subjected to unlawful seclusion or restraint by program personnel, a law enforcement officer, or a school security guard, while attending any program that receives state financial assistance.

2. (a) As used in this article "unlawful seclusion or restraint" means:

(i) seclusion;

(ii) mechanical restraint;

(iii) chemical restraint;

(iv) physical restraint or physical escort that is life threatening, that restricts breathing, or that restricts blood flow to the brain, including prone and supine restraint;

(v) physical restraint that is contraindicated based on the student's disability, health care needs, or medical or psychiatric condition, as documented in:

(A) a health care directive or medical management plan;

(B) a behavior intervention plan;

(C) an individualized education program or an individualized family service plan (as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401));

(D) a plan developed pursuant to section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) or title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131 et seq.); or

(E) another relevant record made available to the state or the program involved; or

(F) any physical restraint that is not in compliance with the student's health care directive or medical management plan.

(b) "Unlawful seclusion or restraint" does not include:

(i) a time out; or

(ii) a device implemented by trained school personnel, or utilized by a student, for the specific and approved therapeutic or safety purposes for which such devices were designed and, if applicable, prescribed, provided that such devices are not used to purposefully cause a student pain as a means of behavioral modification, including:

(A) restraints for medical immobilization;

(B) 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; or

(C) vehicle safety restraints when used as intended during the transport of a student in a moving vehicle.

§ 24. Program requirements. The commissioner shall ensure that each program that receives state financial assistance complies with the following requirements:

1. The use of physical restraint by any program personnel, a school security guard, or a law enforcement officer shall be considered in

1 compliance with the requirements of this subsection only if each of the
2 following requirements are met:

3 (a) The student's behavior poses an imminent danger of serious phys-
4 ical injury to the student, program personnel, a school security guard,
5 a law enforcement officer, or another individual.

6 (b) Before using physical restraint, less restrictive interventions
7 would be ineffective in stopping such imminent danger of serious phys-
8 ical injury.

9 (c) Such physical restraint is imposed by:

10 (i) program personnel, a school security guard, or a law enforcement
11 officer trained and certified by a state-approved crisis intervention
12 training program; or

13 (ii) program personnel, a school security guard, or a law enforcement
14 officer not trained and certified as described in subparagraph (i) of
15 this paragraph, in the case of a rare and clearly unavoidable emergency
16 circumstance when program personnel, a school security guard, or a law
17 enforcement officer trained and certified as described in subparagraph
18 (i) of this paragraph is not immediately available due to the unforesee-
19 able nature of the emergency circumstance.

20 (d) Such physical restraint ends immediately upon the cessation of the
21 imminent danger of serious physical injury to the student, any program
22 personnel, a school security guard, a law enforcement officer, or anothe-
23 er individual.

24 (e) The physical restraint does not interfere with the student's abil-
25 ity to communicate in the student's primary language or primary mode of
26 communication.

27 (f) During the physical restraint, the least amount of force necessary
28 is used to protect the student or others from the threatened injury.

29 2. The commissioner, in consultation with program officials and the
30 Head Start Collaboration Program, shall ensure that a sufficient number
31 of program personnel are trained and certified by a crisis intervention
32 training program approved by the commissioner to meet the needs of the
33 specific student population in each program.

34 3. The use of physical restraint as a planned intervention shall not
35 be written into a student's education plan, individual safety plan,
36 behavioral intervention plan, or individualized education program (as
37 defined in section 602 of the Individuals with Disabilities Education
38 Act (20 U.S.C. 1401)), except that a program may establish policies and
39 procedures for use of physical restraint in program safety or crisis
40 plans, provided that such a plan is not specific to any individual
41 student.

42 4. Each program shall establish procedures to be followed after an
43 incident involving the imposition of physical restraint upon a student,
44 which shall include each of the following:

45 (a) Procedures to provide to the parent of the student, with respect
46 to such incident:

47 (i) an immediate verbal or electronic communication, as soon as is
48 practicable and not later than two hours after the incident; and

49 (ii) written notification, as soon as is practicable, and not later
50 than twenty-four hours after the incident that shall include, at mini-
51 mum:

52 (A) a description of the incident, including precipitating events;

53 (B) positive interventions used prior to restraint;

54 (C) the length of time of restraint; and

(D) a description of the serious physical injury of the student or others that occurred or was about to occur that necessitated the use of restraint.

(b) A meeting between parents of the student and the program, as soon as is practicable, and not later than five school days following the incident (unless such meeting is delayed by written mutual agreement of the parent and the program):

(i) which meeting shall include, at a minimum:

(A) the parent of such student;

(B) the student involved (if appropriate);

(C) the program personnel, law enforcement officer, or school security guard who imposed the restraint;

(D) a teacher of such student;

(E) a program leader of such student; and

(F) an expert on behavior interventions, who may be a special education teacher;

(ii) the purpose of which shall be to discuss the incident, as described by both the student and the program personnel, law enforcement officer, or school security guard involved, including:

(A) any precipitating events;

(B) how the incident occurred; and

(C) prior positive behavioral interventions and supports used to deescalate the situation; and

(iii) which meeting shall include:

(A) the discussion of proactive strategies to prevent future need for the use of physical restraint;

(B)(1) for a student identified as eligible to receive accommodations under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) or title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131 et seq.), or accommodations or special education or related services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), a discussion of the need for a functional behavioral assessment and a behavior intervention plan; or

(2) for a student not identified as eligible to receive accommodations under the provisions of law described in item one of this clause, evidence of a referral for such accommodations or special education or related services, or documentation of the basis for declining to make such a referral for the student; and

(C) providing to the parent, for use during the meeting, a written statement from each adult witness who was in the proximity of the student immediately before and during the time of the physical restraint, but was not directly involved in such restraint.

§ 25. Enforcement. 1. The commissioner shall address any complaints alleging a violation of section twenty-three of this article for an appropriate investigation.

2. The commissioner may withhold up to one-half of all state moneys from any program, which, in the commissioner's judgment, willfully omits and refuses to enforce the provisions of this article, after due notice, so often and so long as such willful omission and refusal shall, in the commissioner's judgment, occur, or continue. If the provisions of this article are complied with at any time within one year from the date on which said moneys were withheld, the money so withheld shall be paid over by the commissioner to such program, otherwise forfeited to the state.

§ 26. Private right of action. 1. A student who has been subjected to unlawful seclusion or restraint in violation of section twenty-three of

this article, or the parent of such student, may file a civil action against the program under which the violation is alleged to have occurred in an appropriate district court of the United States or in state court for declaratory judgment, injunctive relief, compensatory relief, attorneys' fees, or expert fees.

2. Program personnel shall not be liable to any person in a proceeding described in subdivision one of this section or in an arbitration proceeding for a violation of section twenty-three of this article.

3. No program shall be immune under the Eleventh Amendment of the Constitution of the United States from suit in Federal or state court for a violation of subsection (a) of this section.

§ 27. Grants. 1. (a) From the amounts appropriated to carry out this section for a fiscal year, the commissioner shall award grants to school districts with an application approved under subdivision two of this section, on the basis of their relative need, as determined with the commissioner in accordance with paragraph (b) of this subdivision, to assist the school districts in:

(i) establishing, implementing, and enforcing the policies and procedures that ensure compliance with section twenty-three of this article;

(ii) improving state and local capacity to collect and analyze data related to physical restraint; and

(iii) improving school climate and culture by implementing schoolwide positive behavioral interventions and supports, mental health supports, restorative justice programs, trauma-informed care, and crisis and de-escalation interventions.

(b) In determining the relative need of a school district under paragraph (a) of this section, the commissioner shall consider:

(i) the physical restraint and seclusion incidents that occurred at a school served by the school district for the most recent academic year for which data is available;

(ii) the capacity needs of the school district to collect and analyze the data described in subparagraph (ii) of paragraph (a) of this subdivision; and

(iii) whether the school district has been carrying out the activities described in subparagraph (iii) of paragraph (a) of this subdivision and, if so, how the activities are being implemented.

(c) A grant under this section shall be awarded to a state educational agency for a three-year period.

2. (a) To be eligible to receive a grant under this section, each school district desiring a grant shall submit an application to the commissioner at such time, in such manner, and accompanied by such information as the commissioner may require.

(b) Each application submitted under paragraph (a) of this subdivision shall include:

(i) the total number of incidents in which physical restraint was imposed upon students for the most recent school year;

(ii) the total number of incidents in which seclusion was imposed upon students for the most recent school year;

(iii) a description of the school district's data collection policies and procedures;

(iv) a description of crisis intervention or prevention trainings used in the school district to prevent or reduce physical restraint and seclusion (if applicable);

(v) a description of school district initiatives regarding school climate and culture (if applicable), such as schoolwide positive behavioral interventions and supports, mental health supports, restorative

1 justice programs, trauma-informed care, and crisis and de-escalation
2 interventions;

3 (vi) a description of activities to be funded under the grant and the
4 goals of such activities, including how the activities will eliminate
5 seclusion and reduce and prevent physical restraint; and

6 (vii) a description of how the activities under the grant will coordi-
7 nate and align with current federal, state, and local policies,
8 programs, or activities regarding seclusion and physical restraint,
9 crisis intervention, and school climate or culture.

10 3. A school district receiving a grant under this section may use such
11 grant funds to award subgrants, in the manner determined by the school
12 district, to local schools within the school district. A school desiring
13 to receive a subgrant under this section shall submit an application to
14 the applicable school district at such time, in such manner, and
15 containing such information as the school district may require.

16 4. A school district receiving funds under this section shall ensure
17 that educators working in an early childhood education program, as
18 defined in section 103 of the Higher Education Act of 1965 (20 U.S.C.
19 1003), may participate, to the extent practicable, on an equitable basis
20 in activities supported by subgrant funds under this section that are
21 trainings on developmentally appropriate practices for meeting the needs
22 of young children.

23 5. A school district receiving funds under this section shall, after
24 timely and meaningful consultation with appropriate private school offi-
25 cials, ensure that private school personnel may participate, on an equi-
26 table basis, in activities supported by grant funds under this section.

27 6. A school district receiving a grant, or a school receiving a
28 subgrant, under this section shall use such grant or subgrant funds to
29 carry out the following:

30 (a) Establishing and implementing policies to prohibit seclusion,
31 mechanical restraint, chemical restraint, and other forms of prohibited
32 restraint in schools, consistent with section twenty-three of this arti-
33 cle.

34 (b) Implementing and evaluating strategies and procedures to prevent
35 seclusion and to prevent and reduce physical restraint in schools,
36 consistent with such policies.

37 (c) Providing professional development, training, and certification
38 for school personnel to comply with such policies.

39 (d) Analyzing the information included in a report prepared under this
40 section to identify student, school personnel, and school needs related
41 to preventing seclusion, and preventing and reducing the use of physical
42 restraint.

43 (e) Providing training to school security guards and, as appropriate,
44 school personnel, on how to comply with education and civil rights laws,
45 including the Individuals with Disabilities Education Act (20 U.S.C.
46 1400 et seq.) and the Americans with Disabilities Act of 1990 (42 U.S.C.
47 12101 et seq.), when interacting with students with disabilities,
48 including, when conducting disciplinary actions involving students with
49 disabilities.

50 7. In addition to the required activities described in subdivision six
51 of this section, a school district receiving a grant, or a school
52 receiving a subgrant, under this section may use such grant or subgrant
53 funds for one or more of the following:

54 (a) Developing and implementing high-quality professional development
55 and training programs to implement evidence-based systematic approaches
56 to schoolwide positive behavioral interventions and supports, including

1 improving coaching, facilitation, and training capacity for administra-
2 tors, school leaders, teachers, specialized instructional support
3 personnel, paraprofessionals, and other staff.

4 (b) Providing technical assistance to implement evidence-based system-
5 atic approaches to schoolwide positive behavioral interventions and
6 supports, including technical assistance for data-driven decision making
7 related to behavioral supports and interventions in the classroom.

8 (c) Researching, evaluating, and disseminating high-quality evidence-
9 based programs and activities that implement schoolwide positive behav-
10 ioral interventions and supports with fidelity.

11 (d) Supporting other local positive behavioral interventions and
12 supports implementation activities consistent with this subsection.

13 (e) Developing, implementing, and providing technical assistance to
14 support evidence-based programs that reduce the likelihood of physical
15 restraint, such as mental health supports, restorative justice programs,
16 trauma-informed care, and crisis and de-escalation interventions.

17 8. Each school district receiving a grant under this section shall, at
18 the end of the three-year grant period for such grant:

19 (a) evaluate the school district's progress toward the elimination of
20 seclusion and the prevention and reduction of physical restraint in the
21 schools located in the school district, consistent with section twenty-
22 three of this article;

23 (b) submit to the commissioner a report on such progress; and

24 (c) publish such report on the school district's website in an acces-
25 sible format.

26 9. The commissioner shall include in the department's annual budget a
27 request for an appropriation of such sums as may be necessary to carry
28 out this section for each fiscal year commencing on and after the effec-
29 tive date of this section.

30 § 28. Assessment and reporting. 1. The commissioner shall carry out a
31 national assessment to determine the effectiveness of this article,
32 which shall include:

33 (a) analyzing data related to incidents of physical restraint in
34 schools and programs that serve children who receive services for which
35 financial assistance is provided in accordance with the Head Start Act
36 (42 U.S.C. 9831 et seq.) (referred to in this title as "Head Start
37 programs");

38 (b) analyzing the effectiveness of state, and local efforts to elimi-
39 nate seclusion and prevent and reduce the number of physical restraint
40 incidents in schools and Head Start programs;

41 (c) identifying the types of programs and services that have demon-
42 strated the greatest effectiveness in eliminating and preventing seclu-
43 sion and preventing and reducing the number of physical restraint inci-
44 idents in schools and Head Start programs; and

45 (d) identifying evidence-based personnel training models with demon-
46 strated success in preventing seclusion and preventing and reducing the
47 number of physical restraint incidents in schools and Head Start
48 programs, including models that emphasize positive behavioral inter-
49 ventions and supports and de-escalation techniques over physical inter-
50 vention.

51 2. The commissioner shall submit to the legislature and the governor:

52 (a) not later than three years after the date of the effective date of
53 this article, an interim report that summarizes the preliminary findings
54 of the assessment described in subdivision one of this section; and

55 (b) not later than five years after the date of the effective date of
56 this article, a final report of the findings of the assessment.

1 § 29. Protection and advocacy systems. 1. In a case in which physical
2 injury or death of a student or of a child enrolled in a Head Start
3 program occurs in conjunction with the use of seclusion or physical
4 restraint or any intervention used to control behavior at a school or
5 Head Start program, the local educational agency serving such school or
6 the agency administering a Head Start program under the Head Start Act
7 (42 U.S.C. 9801 et seq.) shall have procedures to:

8 (a) notify, in writing, not later than twenty-four hours after such
9 injury or death occurs:

10 (i) the department;

11 (ii) the local law enforcement agency; and

12 (iii) the relevant protection and advocacy system; and

13 (b) provide any information that the protection and advocacy system
14 may require.

15 2. Protection and advocacy systems shall have the same authorities and
16 rights provided under subtitle C of title I of the Developmental Disa-
17 bilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et
18 seq.) with respect to protections provided for students or children
19 enrolled in Head Start programs under this article when such students or
20 children are otherwise eligible to be clients of the protection and
21 advocacy system, including investigating, monitoring, and enforcing such
22 protections.

23 § 30. Construction. Subject to section twenty-four of this article,
24 nothing in this article shall be construed to prohibit a sworn law
25 enforcement officer with probable cause from arresting a student for
26 violating a federal or state criminal law.

27 § 31. Applicability to private schools and home schools. 1. Nothing
28 in this article shall be construed to affect any private school that
29 does not receive, or does not serve students who receive, support in any
30 form from any program or activity supported, in whole or in part, with
31 state funds.

32 2. Nothing in this article shall be construed to:

33 (a) affect a home school, whether or not a home school is treated as a
34 private school or home school under state law; or

35 (b) consider parents who are schooling a child at home as program
36 personnel.

37 § 2. Subdivision 9 of section 4402 of the education law, as added by
38 chapter 516 of the laws of 2022, is amended to read as follows:

39 9. The board of education or trustees of each school district shall
40 develop a procedure to notify the parent or person in parental relation
41 of a student with a disability [~~on the same day~~ within two hours of the
42 time when a physical or mechanical restraint is applied on such student
43 or such student is placed in a time out room. When the student's parent
44 or person in parental relation cannot be contacted after reasonable
45 attempts are made, the principal shall record and report such attempts
46 to the committee on special education.

47 § 3. Severability. If any clause, sentence, paragraph, subdivision,
48 section or part of this act shall be adjudged by any court of competent
49 jurisdiction to be invalid, such judgment shall not affect, impair, or
50 invalidate the remainder thereof, but shall be confined in its operation
51 to the clause, sentence, paragraph, subdivision, section or part thereof
52 directly involved in the controversy in which such judgment shall have
53 been rendered. It is hereby declared to be the intent of the legislature
54 that this act would have been enacted even if such invalid provisions
55 had not been included herein.

1 § 4. This act shall take effect on the first of July next succeeding
2 the date upon which it shall have become a law.